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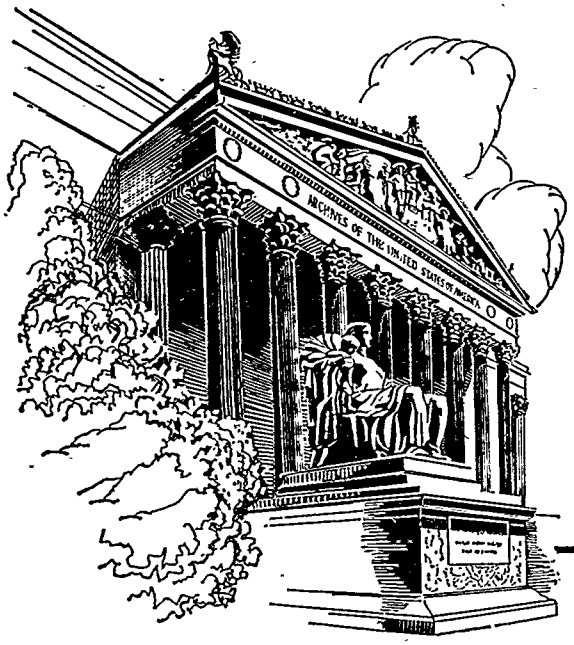

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.

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Title 3—THE PRESIDENT

Proclamation 3858

FAMILY REUNION DAY

By the President of the United States of America

A Proclamation

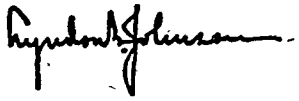
Since the founding of the Republic, the American family has been a source of individual strength and national stability.

These are times, however, that test the unity of family life. Progress—social, economic, and technological—has brought with it new mobility that tends to separate the members of affluent families.

For millions of other Americans, poverty, discrimination and the spiritual deprivation of slum life have strained the cohesion of family units past the breaking point. Many young people are growing up without the shaping example of a firm, responsible, and caring male in the household. There are strengths within almost all families, whether or not headed by a father; but history and instinct tell us that a society that does not encourage responsible fatherhood will pay for its failure in later generations. For that reason, action to extend job opportunities, to improve education and housing, and to end discrimination in all its forms is vital to stronger family life—and ultimately to a more just and peaceful nation.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, pursuant to Senate Joint Resolution 165, do hereby designate Sunday, August 11, 1968, as Family Reunion Day, and I urge all the people of the United States to support those actions that will strengthen the American family, and to celebrate this day with such ceremonies as will reemphasize our continuing belief that family life is the highest and most enduring product of our civilization.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of July, in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.



[F.R. Doc. 68-8877; Filed, July 22, 1968; 1:34 p.m.]

Proclamation 3859

SALUTE TO EISENHOWER WEEK

By the President of the United States of America

A Proclamation

Few men in history have contributed as much to their country and to the world as has General Dwight David Eisenhower.

As Supreme Commander of the Allied Expeditionary Forces in World War II, his leadership, resolution, and personal courage guided us to victory and to peace.

Following World War II, he served as the first Supreme Allied Commander of the North Atlantic Treaty Organization forces in Europe, and demonstrated an unrivaled capacity to create a united military organization.

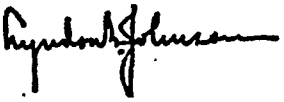
During eight years as President of the United States, he enhanced his reputation as a leader of nations; a program of lasting international cooperation was inaugurated in his administration.

General Eisenhower is recognized as one of the most popular and respected living Americans—admired and loved by his fellowmen not only as an outstanding military leader and statesman, but also as one whose character and high principles serve as a standard for all citizens.

It is fitting that on the occasion of General Eisenhower's 78th birthday on October 14, 1968, we pay tribute to this great American. To this end, the Congress, by a joint resolution approved July 18, 1968, has requested the President to designate the week of October 13, 1968, as Salute to Eisenhower Week. It is my pleasure to do so.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week of October 13, 1968, as Salute to Eisenhower Week, and I call upon the people of the United States to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of July, in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.



[F.R. Doc. 68-8878; Filed, July 22, 1968; 1:34 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Services Administration

The exception for the one position listed in § 213.3237 of Schedule B expired by its own terms on June 30, 1968. Effective on publication in the FEDERAL REGISTER, §213.3237 is revoked in its entirety.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8809; Filed, July 23, 1968; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the position of Secretary to the Deputy High Commissioner of the Trust Territory is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (17) of paragraph (1) of § 213.3312 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8810; Filed, July 23, 1968; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Avocado Reg. 10, Amdt. 2]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A more precise determination as to the quality and the time of maturity of avocados must await the development of the crop; a determination as to the maturity of the varieties of avocados covered by this amendment was made at the meeting of the Avocado Administrative Committee on July 10, 1968. After consideration of all available information relative to the growing condition prevailing during the current season, recommendations and supporting information for such maturity regulations were submitted to the Department; necessary statistical and supporting information was received on July 15, 1968; such meeting was held to consider recommendations for such regulation after giving due notice thereof, and interested parties were afforded opportunity to submit their views at this meeting; the provisions hereof are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions hereof, which in part relieves certain restrictions, will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

Order. The provisions of § 915.310 (Avocado Reg. 10; 33 F.R. 8500, 8801) are hereby amended in the following respects:

By revising certain dates and minimum weights and diameters applicable to the Trapp, Waldin, Ruehle, Pinelli, Booth 8, and Fairchild varieties of avocados, and setting forth certain dates and minimum weights and diameters applicable to the Dawn variety of avocados, so that after such revision the portion of Table I relating to such varieties and the text of paragraph (a) (6) and (8) reads as follows:

§ 915.310 Avocado Regulation 10.

(a) * * *

TABLE I

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Trapp	8-12-68	14 oz. 3 19/16 in.	8-26-68	12 oz. 3 7/16 in.	9- 9-68		
Waldin	8-19-68	16 oz. 3 9/16 in.	9- 2-68	14 oz. 3 7/16 in.	9-16-68	12 oz. 3 7/16 in.	9-30-68
Dawn	8- 5-68	12 oz.	8-19-68	10 oz.	9- 2-68		
Ruehle	8- 5-68	16 oz. 3 9/16 in.	8-19-68	14 oz. 3 7/16 in.	9- 2-68		
Pinelli	8- 5-68	18 oz. 3 13/16 in.	8-19-68	16 oz. 3 19/16 in.	9- 2-68		
Booth	9-16-68	16 oz. 3 9/16 in.	9-30-68	15 oz. 3 7/16 in.	10-14-68	13 oz. 3 7/16 in.	10-28-68
Fairchild	9- 2-68	16 oz. 3 19/16 in.	9-16-68	14 oz. 3 7/16 in.	9-30-68	12 oz. 3 7/16 in.	10- 7-68

* * * * *

(6) From October 28, 1968, through November 10, 1968, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 10 ounces or is at least 3 1/16 inches in diameter, and from November 11, 1968, through November 17, 1968, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 8 ounces or is at least 2 13/16 inches in diameter;

(7) * * *

(8) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of avocados not covered by subparagraphs (2) through (7) hereof shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 23, 1968.

(ii) From September 23, 1968, through October 20, 1968, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 21, 1968, through December 22, 1968, the individual fruit

in each lot of such avocados shall weigh at least 13 ounces.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, July 22, 1968, to become effective July 24, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8872; Filed, July 23, 1968; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Price Support Regs., 1968 and Subsequent Crops Flue-Cured Tobacco Farm-Stored Loans]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1968 and Subsequent Crops Flue-Cured Tobacco Farm-Stored Loan Program

The General Regulations Governing Price Support for 1964 and Subsequent Crops of Grain and Similarly Handled Commodities (Revision 1) (31 F.R. 5941), and any amendments thereto (hereinafter referred to as "the general regulations") issued by the Commodity Credit Corporation (hereinafter referred to as "CCC"), which contain regulations of a general nature with respect to price support loan and purchase operations, are supplemented for the 1968 and subsequent crops of Flue-cured tobacco as follows:

Sec.
1421.6000 Purpose.
1421.6001 Availability.
1421.6002 Eligible tobacco and producers.
1421.6003 Release of commodity under loan.
1421.6004 Liquidation of loans.
1421.6005 Settlement of loans.
1421.6006 Farm storage interim loan rate.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c.

§ 1421.6000 Purpose.

This subpart contains the terms and condition under which together with the terms and conditions of the annual crop year Flue-cured tobacco farm-stored loan supplement (hereinafter referred to as "the annual crop year supplement") and the general regulations to the extent that the provisions thereof are not inconsistent herewith or are not made inapplicable by the provisions of this subpart, CCC will make farm storage loans to eligible producers of eligible 1968 and subsequent crops Flue-cured tobacco. Notwithstanding the provisions of the general regulations, CCC will not make warehouse storage loans to or direct purchases from producers. The Tobacco Loan Program Regulations, as amended (31 F.R. 9679, 32 F.R. 10249, 32 F.R. 11416, 32 F.R. 14203, 33 F.R. 136, 33 F.R. 910, and 33 F.R. 9759) (hereinafter referred to as "the association regulations"), contain the terms and conditions under which eligible producers may obtain price support advances on eligible 1968 and subsequent crop Flue-cured tobacco from a cooperative marketing association which, acting in behalf of such producers collectively, will obtain price support warehouse storage loans from CCC.

§ 1421.6001 Availability.

Producers desiring a farm storage loan on Flue-cured tobacco shall request a loan at the ASCS county office not later than the date set forth in the annual crop year supplement. Producers obtaining a loan shall execute a farm Storage Note, Chattel Mortgage, and Security Agreement and a tobacco addendum amending sections 6 and 7 thereof.

§ 1421.6002 Eligible tobacco and producers.

(a) *General.* In order to be eligible for a farm storage loan on Flue-cured tobacco, the producer and the tobacco must meet the requirements of this section in addition to the other eligibility requirements of § 1421.53 of the general regulations.

(b) *Eligible producer.* The tobacco must have been produced by an eligible producer, as defined in § 1421.52 of the general regulations and § 1464.1762 of the association regulations.

(c) *Eligible tobacco.* Flue-cured tobacco is eligible for a farm storage loan under this subpart if it meets the eligibility requirements of § 1464.1763 of the association regulations. Tobacco stored in the Georgia-Florida belt shall be in untied form; tobacco stored in other belts may be in either tied or untied form.

§ 1421.6003 Release of commodity under loan.

Notwithstanding the provisions of §§ 1421.62 and 1421.68 of the general regulations, prior approval from the county committee will not be required in order for a producer to sell his tobacco or to offer it to a cooperative association for a price support advance under the association regulations. A producer who has received a loan under this subpart, before accepting payment upon a sale of his tobacco, must advise the buyer of the Marketing Recorder as to whether or not such tobacco is security for a farm storage loan; and, if such tobacco is security for a farm storage loan, the proceeds of sale shall be forwarded by the buyer or Marketing Recorder to the county ASCS office which made the loan to be applied in liquidation of the loan.

§ 1421.6004 Liquidation of loans.

Loans may be liquidated by (1) repayment of the loan amount plus interest on or before the maturity date specified in the annual crop year supplement, or (2) delivery as directed by CCC, within the dates specified in the annual crop year supplement, to a cooperative association of a quantity of Flue-cured tobacco having a settlement value equal to the outstanding balance of the loan.

§ 1421.6005 Settlement of loans.

For the purposes of this subpart, the settlement value of tobacco delivered to a cooperative association shall be (a) the amount which may be advanced to the producer with respect to such tobacco under the association regulations, or (b) if the tobacco delivered is of grade or quality which is not eligible for an advance under the association regulations, the market value of the tobacco, as determined by CCC. For the purposes of § 1421.65 of the general regulations, the settlement value shall be the amount of the farm storage loan with respect to the tobacco involved in the loss less salvage. If the tobacco delivered is of a grade eligible for a price support loan under the association regulations, a price support advance will be made by the cooperative association to the producer under the association regulations and the proceeds of the advance, to the extent necessary, will be applied to repayment of the principal of the loan made hereunder. If the settlement value of the tobacco delivered by the producer to the association is less than the amount due on the principal of the loan, the amount of the deficiency, plus interest thereon computed in accordance with the provisions of the note, shall be paid by the producer to the county office which approved the loan, unless the deficiency is one which will be assumed by CCC pursuant to the terms of the note.

§ 1421.6006 Farm storage interim loan rate.

The farm storage interim loan rate for Flue-cured tobacco shall be that set forth in the annual year supplement.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 18, 1968.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-8820; Filed, July 23, 1968; 8:49 a.m.]

[CCC Price Support Regs., 1968 Crop Flue-Cured Tobacco Farm-Stored Loans]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1968 Crop Flue-Cured Tobacco Farm-Stored Loan Supplement

This annual crop year supplement, together with the General Regulations Governing Price Support for 1964 and Subsequent Crops of Grain and Similarly Handled Commodities (Revision 1) (31 F.R. 5941), and any amendments thereto, and the 1968 and Subsequent Crops Flue-Cured Tobacco Farm-Stored Loan Program (33 F.R. 10502), and any amendments thereto, contain the pro-

visions which apply to price support farm-stored loan for 1968 tobacco:

Sec.
1421.6007 Availability.
1421.6008 Farm storage interim loan rate.
1421.6009 Rate of interest.
1421.6010 Liquidation of loans.
1421.6011 Delivery charges.
1421.6012 Maturity of loans.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051 as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c.

§ 1421.6007 Availability.

A producer desiring a farm storage loan on his eligible Flue-cured tobacco must request a loan at the ASCS county office not later than December 1, 1968, on Flue-cured tobacco stored in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia.

§ 1421.6008 Farm storage interim loan rate.

The loan will be made at a rate of 45 cents per pound on the quantity of eligible tobacco tendered as security for a loan under this subpart if such tobacco is estimated to be of a grade composition which would qualify for price support at an average price support loan rate of 61.6 cents per pound under the association regulations. If the CCC representative estimates the grade composition to be below such quality, the rate of loan shall be 15 cents less than the average price support loan rate for which he estimates such tobacco would qualify.

§ 1421.6009 Rate of interest.

The rate of interest shall be 30 cents for each whole unit of $100 for each calendar month or fraction thereof beginning with the calendar month of disbursement and excluding the calendar month of repayment.

§ 1421.6010 Liquidation of loans.

Section 1421.69 of the general regulations shall not apply to this program. Loans shall be liquidated by repayment of the amount loaned, plus interest, on or before maturity to the county office which approved the loan, either directly by the producer or by the buyer or the Marketing Recorder upon sale of tobacco securing the loan; or by delivery, as directed by CCC, beginning December 15, 1968, or the day after the close of the 1968 auction marketing season, whichever date is the later, and ending January 15, 1969, to a cooperative association designated by CCC, of a quantity of Flue-cured tobacco eligible for price support having a settlement value equal to the outstanding principal balance of the loan. Notwithstanding the provisions of § 1421.72 of the general regulations, no deduction for storage charges will be made if the tobacco, is delivered during this period. The association will advise producers of the time and place at which the tobacco is to be delivered in liquidation of farm storage loans and will determine the settlement value of the tobacco delivered on the basis of the grade and quality thereof as determined by the inspection service of the Consumer and Marketing Service, USDA.

§ 1421.6011 Delivery charge.

Notwithstanding the provisions of § 1421.60 of the general regulations, there shall be no delivery charge on the tobacco delivered to the association.

§ 1421.6012 Maturity of loans.

Unless demand is made earlier, farm storage loans on Flue-cured tobacco will mature on January 15, 1969.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 18, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-8819; Filed, July 23, 1968; 8:49 a.m.]

[Amdt. 1]

PART 1446—PEANUTS

Subpart—General Regulations Governing 1967 and Subsequent Crop Peanut Warehouse Storage Loans and Sheller Purchases

MISCELLANEOUS AMENDMENTS

The General Regulations issued by Commodity Credit Corporation, published in 32 F.R. 9950, which contain the terms and conditions governing 1967 and subsequent crop peanut warehouse storage loans and sheller purchases, are hereby amended as follows:

1. Paragraph (p) of § 1446.3 is amended to redefine Segregation 1 peanuts and to include definitions of Segregation 2 and Segregation 3 peanuts and, as amended, reads as follows:

§ 1446.3 Definitions.

* * * * *

(p) *Peanut segregations*—(1) *Segregation 1.* Farmers stock peanuts which (i) have at least 99 percent peanuts of one type, (ii) have not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold, or decay, and (iii) are free from visible Aspergillus flavus mold.

(2) *Segregation 2.* Farmers stock peanuts which (i) have less than 99 percent peanuts of one type, or (ii) have more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold, or decay, and (iii) are free from visible Aspergillus flavus mold.

(3) *Segregation 3.* Farmers stock peanuts which have visible Aspergillus flavus mold.

* * * * *

2. The last sentence of § 1446.6(a) is amended to make the cross reference therein correspond with the number of the applicable renumbered section of the revised Acreage and Compliance Regulations, and, as amended, reads as follows:

§ 1446.6 Eligible producer.

(a) *Requirements.* * * * No producer on a farm in a certification county for which the farm operator fails timely to file a report of acreage and land use as required by § 718.21 of Part 718 of this title shall be eligible for price support except as otherwise provided in that section.

* * * * *

3. Section 1446.27 is amended to incorporate provisions of Executive Order 11375 of October 13, 1967, relating to equal employment opportunity, and to implement the order of the Secretary of Labor (32 F.R. 7439) relating to elimination of segregated facilities, and, as amended, reads as follows:

§ 1446.27 Nondiscrimination in employment.

(a) *Equal employment opportunity.* During the period between the date the sheller files his notice of participation for the applicable crop pursuant to § 1446.11 and the date on which he completes delivery of the final lot of peanuts of such crop sold to CCC under this subpart, the sheller agrees as follows:

(1) *Nondiscrimination.* The sheller will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The sheller will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The sheller agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Association setting forth the provisions of this nondiscrimination clause.

(2) *Advertisements.* The sheller will, in all solicitations or advertisements for employees placed by or on behalf of the sheller, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) *Notice to labor union.* The sheller will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Association, advising the said labor union or workers' representative of the sheller's commitments under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) *Executive Order No. 11246.* The sheller will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) *Information and reports.* The sheller will furnish all information and

reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and order.

(6) *Noncompliance.* In the event of the sheller's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part, and the sheller may be declared ineligible for further Government contracts, in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in the said Executive order or by rule, regulations, or order of the Secretary of Labor, or as otherwise provided by law.

(7) *Subcontracts.* The sheller will include the provisions of paragraphs (1) through (7) of this section in every subcontract or purchase order, unless exempted by rules, regulations, or orders of the Secretary of Labor, issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The sheller will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the sheller becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the sheller may request the United States to enter into such litigation to protect the interests of the United States.

(8) *Substitute terms.* Effective October 14, 1968, the words "race, color, religion, sex, or national origin" shall be substituted for the words "race, creed, color, or national origin" appearing in this paragraph (a).

(b) *Certification of nonsegregated facilities.* By the submission of a notice of participation under § 1446.11, the sheller certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location under his control where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location under his control where segregated facilities are maintained. The sheller agrees that a breach of this certification is a violation of the Equal Opportunity clause in the contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

Notice to Prospective Subcontractors of Requirement for Certifications of Nonsegregated Facilities.

A Certification of Nonsegregated Facilities, as required by the May 9, 1967, order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001 or 15 U.S.C. 714m(a).

The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c. Interpret or apply secs. 101, 401, 63 Stat. 1051, as amended, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 18, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-8821; Filed, July 23, 1968; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Subparagraph (2) of paragraph (c) of § 103.6 is amended to read as follows:

§ 103.6 Surety bonds.

* * * * *

(c) *Cancellation.* * * *

(2) *Maintenance of status and departure bonds.* When the status of a nonimmigrant who has violated the conditions of his admission has been adjusted as a result of administrative or legislative action to that of a permanent resident retroactively to a date prior to the violation, any outstanding maintenance of status and departure bond shall be canceled. If an application for adjustment of status is made by a nonimmigrant while he is in lawful temporary status, the bond shall be canceled if his status is adjusted to that of a lawful permanent resident or if he voluntarily departs within any period granted to him. As used in this subparagraph, the term "lawful temporary status" means that there must not have been a violation of any of the conditions of the alien's nonimmigrant classification by acceptance of unauthorized employment or otherwise during the time he has been accorded such classification, and that from the date of admission to the date of departure or adjustment of status he must have had uninterrupted Service approval of his presence in the United States in the form of regular extensions of stay or dates set by which departure is to occur, or a combination of both. An alien admitted as a nonimmigrant shall not be regarded as having violated his nonimmigrant status by engaging in employment subsequent to his valid filing of an application for adjustment of status under section 245 of the Act and Part 245 of this chapter. A maintenance of status and departure bond posted at the request of an American consular officer abroad in behalf of an alien who did not travel to the United States shall be canceled upon receipt of notice from an American consular officer that the alien is outside the United States and the nonimmigrant visa issued pursuant to the posting of the bond has been canceled or has expired.

* * * * *

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

§ 235.9 [Amended]

Paragraph (c) *Application* of § 235.9 *Conditional entries* is amended by inserting the following sentence between the existing first and second sentences: "Each application shall be accompanied by a properly executed and signed Form G-325C if the applicant has reached his 14th birthday."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.2 [Amended]

1. The list of transportation lines in subparagraph (1) *Canada* of paragraph

(b) *Agreements with transportation lines* of § 238.2 *Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands* is amended by adding the following transportation line in alphabetical sequence: "British United Airways Limited."

§ 238.3 [Amended]

2. The list of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line in alphabetical sequence: "Lloyd International Airways Limited."

§ 238.4 [Amended]

3. The list of transportation lines listed under "At Vancouver" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Nomads, Inc."

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto in alphabetical and numerical sequence:

Form No.	*Title and description*
G-325C	Biographic Information.

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

Section 336.16a is amended to read as follows:

§ 336.16a Final hearing; execution of questionnaire.

Immediately prior to the commencement of the final hearing, each person filing a petition for naturalization in his own behalf, or in behalf of a child pursuant to section 322 or 323 of the Immigration and Nationality Act, said child being 13 years of age or older on the date of the final hearing, shall execute the questionnaire on Form N-445.

PART 499—NATIONALITY FORMS

§ 499.1 [Amended]

The list of forms in § 499.1 *Prescribed forms* is amended by deleting the following form and reference thereto:

Form No.	*Title and description*
N-445A	Questionnaire To Be Submitted by Petitioner at the Final Hearing of the Petition for Naturalization in Court.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of § 553, of title 5 of the United States Code (Public Law 89-554, 80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance because the amendment to § 103.6(c) (2) confers a benefit upon persons affected thereby; the amendments to §§ 235.9(c), 299.1, 336.16a, and 499.1 relate to agency procedure; and the amendments to §§ 238.2(b) (1), 238.3(b), and 238.4 add transportation lines to the listings.

Dated: July 19, 1968.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 68-8786; Filed, July 23, 1968; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9022, Amdt. 91-55]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Pilot Vigilance

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to state more specifically the responsibility of pilots to maintain vigilance so as to see and avoid other aircraft when weather conditions permit.

The purpose of the Air Traffic Rules is, in part, to provide for the prevention of collision between aircraft. Currently, flight can be conducted in the same airspace under either Instrument or Visual Flight Rules; however, air traffic control provides separation only between IFR flights, and arriving and departing flights at airports with operating control towers.

Prior to the recodification of Part 60 of the Civil Air Regulations (CAR) into Part 91 of the Federal Aviation Regulations, the Air Traffic Rules were more specific with respect to pilots' responsibility to maintain a watch for other traffic. CAR 60.30 contained a note stating that the pilot in command has the primary responsibility to maintain vigilance in order to see and avoid other traffic when operating in VFR weather conditions. CAR 60.12 also contained a note stating as an example of a careless or reckless operation, the lack of vigilance by the pilot to see and avoid other traffic.

The need to maintain vigilance for other aircraft is now implied in §§ 91.65 and 91.67 of Part 91, and is an underlying hypothesis in §§ 91.7 and 91.123. It is generally understood by pilots; however, a specific statement of the requirement is considered desirable to emphasize its importance.

Since the addition of this provision makes no substantive change, and is editorial in nature, it is determined that notice and public procedure are unnecessary and this rule may be made effective immediately.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER, § 91.67(a) of Part 91 of the Federal Aviation Regulations is amended to read as follows:

(a) *General.* When weather conditions permit, regardless of whether an operation is conducted under Instrument Flight Rules or Visual Flight Rules, vigilance shall be maintained by each person operating an aircraft so as to see and avoid other aircraft in compliance with this section. When a rule of this section gives another aircraft the right of way, he shall give way to that aircraft and may not pass over, under, or ahead of it, unless well clear.

(Secs. 307, 313, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 17, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-8782; Filed, July 23, 1968; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8032]

PART 13—PROHIBITED TRADE PRACTICES

Dean Milk Co. and Dean Milk Co., Inc.

Subpart—Cutting prices arbitrarily: § 13.665 *Cutting prices arbitrarily, to stifle competition;* 13.665-90 Under Clayton Act, sec. 2(a). Subpart—Discriminating in price under sec. 2, Clayton Act—Price discrimination under 2(a): § 13.790 *Trade areas.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13)

[Modified order to cease and desist, Dean Milk Co. et al., Franklin Park, Ill., Docket 8032, July 2, 1968]

Order modifying, pursuant to a decree dated June 18, 1968, of the Court of Appeals, Seventh Circuit, a cease and desist order dated October 22, 1965, 30 F.R. 17163, which charged an Illinois milk company and its subsidiary with price discrimination, by narrowing the effective territory of the order from "any city or market area" to Louisville and its suburbs in Jefferson County, Ky., and the cities of New Albany, Jeffersonville, Clarksville, and Terre Haute, Ind.

The modified order to cease and desist, is as follows:

It is ordered, That the respondents, Dean Milk Co. and Dean Milk Co., Inc., corporations, and their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale or distribution in commerce of fluid milk and milk products in the Falls Cities market (comprising the city of Louisville and its suburbs in Jefferson County, Ky., and the cities of New Albany, Jeffersonville, and Clarksville in Indiana) and

in the city of Terre Haute, Ind., do forthwith cease and desist from discriminating, directly or indirectly, in the price of fluid milk and milk products of like grade and quality by selling any of these products to any purchaser at a price which is lower than the price for products of like grade and quality charged any other purchaser who competes in the resale of such products with the purchaser paying the lower price.

It is further ordered, That the respondents, Dean Milk Co. and Dean Milk Co., Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 2, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-8770; Filed, July 23, 1968; 8:45 a.m.]

[Docket No. C-1351]

PART 13—PROHIBITED TRADE PRACTICES

Glamour Sportswear Corp. et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70)

[Cease and desist order, Glamour Sportswear Corp. et al., New York, N.Y., Docket C-1351, June 27, 1968]

In the Matter of Glamour Sportswear Corp., a Corporation, Pantops by Glamour, Inc., a Corporation, and Mark Lederman and Eugene Lederman, Individually and as Officers of Said Corporations

Consent order requiring two New York City manufacturers of ladies' sportswear and blouses to cease misbranding its textile fiber products and furnishing false guarantees.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Glamour Sportswear Corp., a corporation, and its officers, Pantops by Glamour, Inc., a corporation, and its officers, and Mark Lederman and Eugene Lederman, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Using a generic name or fiber trademark on any label, whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Act and the rules and regulations thereunder the first time such generic name or fiber trademark appears on the label.

4. Failing to make a disclosure on the required label on or affixed to textile fiber products composed of two or more sections of different fiber composition, in such a manner as to show the fiber composition of each section in all instances where such disclosure is necessary to avoid deception.

It is further ordered, That respondents Glamour Sportswear Corp., a corporation, and its officers, Pantops by Glamour, Inc., a corporation, and its officers, and Mark Lederman and Eugene Lederman, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 27, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-8771; Filed, July 23, 1968; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. FDC-76]

PART 46—NUT PRODUCTS

Peanut Butter, Definition and Standard of Identity; Findings of Fact, Conclusions, and Final Order

In the matter of establishing a definition and standard of identity for peanut butter:

A notice of proposed rulemaking was published in the FEDERAL REGISTER of July 2, 1959 (24 F.R. 5391), setting forth a proposal by the Commissioner of Food and Drugs to establish a definition and standard of identity for peanut butter. Based upon views and comments received and other information available at that time, the Commissioner published in the FEDERAL REGISTER of November 28, 1961 (26 F.R. 11209), an order establishing a definition and standard of identity for this food. Thereafter, objections were filed in accordance with the provisions of section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act, and the Commissioner published an order in the FEDERAL REGISTER of February 1, 1962 (27 F.R. 943), staying the effective date of the standard in its entirety. Subsequently, additional information was received, and the Commissioner published a proposed revision of the identity standard for peanut butter in the FEDERAL REGISTER of November 10, 1964 (29 F.R. 15173), and solicited the views and comments of all interested persons on that revision. Many comments were filed by interested persons—manufacturers of peanut butter, ingredient suppliers, cooperative associations, regulatory officials, nutritionists, consumer associations, and individual consumers.

Based upon the comments received and other relevant information, the Commissioner again published an order in the FEDERAL REGISTER of July 8, 1965 (30 F.R. 8626), establishing a definition and standard of identity for peanut butter. Objections were filed in accordance with the provisions of section 701(e)(2) of the act and a public hearing was requested. The Commissioner published an order in the FEDERAL REGISTER of September 4, 1965 (30 F.R. 11349), staying the effective date of the standard in its entirety pending a resolution of the issues at a public hearing.

In the FEDERAL REGISTER of September 18, 1965 (30 F.R. 11970), the Commissioner published a notice announcing a public hearing to begin October 18, 1965, for the purpose of receiving evidence relevant and material to the issues set forth in that notice, and also announcing a prehearing conference to begin October 4, 1965, for certain specified purposes. A notice rescheduling the date of the hearing and announcing a second prehearing conference was published in the FEDERAL REGISTER of October 12, 1965 (30 F.R. 12949). The second prehearing

conference was to begin on October 20, 1965, and was completed on that date. As rescheduled, the public hearing began on November 1, 1965, and the taking of testimony concluded on March 15, 1966.

Based upon the evidence received at the hearing and consideration given to written arguments and suggested findings, the Commissioner published proposed findings of fact, conclusions, and tentative order in the FEDERAL REGISTER of December 6, 1967 (32 F.R. 17482), and invited exceptions thereto.

The sponsors of the two leading brands of peanut butter argue for the 87-percent peanut requirement for two quite different reasons, each of which is said to be essential to the consumer's acceptance of its product. The manufacturer of Skippy brand states that approximately 8½ percent of hydrogenated oil is necessary to make its product acceptable, and the manufacturer of Peter Pan brand states that approximately 9 percent of dextrose is essential for its particular consumer appeal.

The record is clear that the desired emulsification and the properties desired by consumers, such as spreadability and freedom from stickiness, can be obtained by 3 percent of hydrogenated oil or a higher percentage if lightly hydrogenated oil is used. Since commercial processes used in producing hydrogenated peanut oil destroy peanut flavor and make peanut oil the same bland material as other hydrogenated oils, there is no advantage to the consumer in the use of higher than needed hydrogenated oil for emulsification and stability. While Skippy brand peanut butter has gained acceptance in the marketplace, allowance of 13 percent of nonpeanut materials would open the way for excessive use of these materials and consequent abuse of the consumer's interest.

Peter Pan brand peanut butter has gained acceptance in the market. Indeed, the evidence shows that in the opinion of Swift and Co., the parent manufacturing firm, it was better than Skippy brand when it had 5 percent dextrose, 3 percent stabilizer, and 1.7 percent salt. Only by increasing the dextrose an additional 4 percent at the expense of peanuts did the manufacturer of Peter Pan brand "uniquely improve" the product.

Peanut butter should, in the consumer's interest, consist of ground peanuts and the level of optional ingredients necessary to serve technological purposes. About 1 to 2 percent salt is all that is customarily employed. Within 8 to 9 percent any number of combinations of emulsifiers and sweetening agents can be employed; for example, 5 percent of sweetener and 3 percent of emulsifier have been found to be quite satisfactory. The 90-percent level of peanuts in peanut butter is attainable in good manufacturing practice, is being met by many producers, insures a reasonable level of peanut content, and allows for modification of the product to have properties consumers desire such as spreadability, stability, freedom from stickiness, etc., without excesses of foreign and cheapening ingredients.

There is nothing in the final order that outlaws Skippy brand peanut butter, Peter Pan brand peanut butter, or any other brand of peanut butter. What is required is that those products that have contained less than 90 percent peanuts henceforth contain more peanuts per pound of peanut butter.

Having considered all the exceptions and written arguments received, and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to him (21 CFR 2.120), the Commissioner issues the following findings of fact, conclusions, and final order:

Findings of fact.[1] 1. Standards of identity are intended to establish or define what a food product is and what a consumer expects to receive when he selects the food by its common or usual name. (R. 2965, 2966; Ex. 51)

2. Peanut butter in the past has been identified in the public mind as an article made essentially from ground peanuts and seasoning. In 1959 the Food and Drug Administration became aware of a trend by some manufacturers to reduce the peanut content of peanut butter. Three surveys conducted by the Food and Drug Administration in 1960, 1963, and 1965 confirmed this trend. The changes in formulation that resulted in a decrease of peanuts in peanut butter were not always intended for the benefit of the consumer, nor was the consumer made aware of the extent of these changes. (R. 674, 692, 693, 785, 786, 808, 854, 1733, 1919–1921, 2042, 2044, 2048, 2049, 2050; Ex. 14, 14A, 39, 39D, 40, 40A)

3. There is a widespread lack of information among consumers concerning the actual composition of peanut butter. Many consumers and consumer groups have stated that there is a need for a standard of identity for peanut butter. Other consumers believe that a standard has already been established and is in effect. (R. 738, 739, 2394, 4724, 4725, 4751, 6170; Ex. 11A, 22B, 106, 118)

4. State food and drug agencies have received complaints concerning additives used in peanut butter, and the State officials have indicated need for a peanut butter standard. If a Federal definition and standard of identity is not promulgated, these officials will seriously consider recommending the adoption of individual State standards of identity for peanut butter. (R. 743, 746, 748, 749, 751, 1231, 1233)

5. In 1959 the Peanut Butter Manufacturers Association adopted a position opposing a standard in any form. Certain manufacturers of peanut butter, including some who are members of the Association, do not support the position of the Association and express the opinion that a definition and standard of identity for peanut butter is needed. (R. 1175, 1590, 1670, 1813, 1816, 1817, 1826, 1828, 1854, 1858, 1918, 1919, 2011, 2014, 2020, 2025, 2044, 2048, 2164, 2581, 3123, 3295, 5919; Ex. 10A, 10B, 10C, 40, 41, 83)

6. The manufacture of peanut butter dates back at least to 1890. It has commonly been made from peanuts, salt, and, sometimes, sugar. Peanut butter so made, sometimes referred to as "old-fashioned" peanut butter, was as recently as 1941 the predominant type sold. "Old-fashioned" peanut butter had the disadvantages of oil separation, difficulty in remixing, stickiness, graininess, lack of spreadability, development of rancidity, and short shelf-life. It was usually made by numerous manufacturers for relatively local distribution. (R. 342, 4097, 4098, 4101, 4393, 4394, 4898, 4899)

7. Research and development affecting the characteristics of peanut butter have been aimed at preventing separation of oil, eliminating stickiness, increasing spreadability, and achieving stability against temperature changes and shocks in transportation. From 1921 onward there is record of the introduction of various stabilizing and seasoning ingredients of peanut butter. These included hydrogenated oils, solid fats or oils, mono- and diglycerides, lecithin, sugar, dextrose, corn sirup, and honey. Such changes in formulation were sometimes accompanied by changes in machinery and manufacturing techniques. These developments have made it possible to distribute peanut butter nationally instead of just locally. (R. 342–47, 405, 2175, 2176, 3181, 3440, 4266, 4395, 4900, 4916; Ex. 28, 29, 30, 75, 98, 99A, 99B)

8. Some optional ingredients are used in place of peanuts to make a more acceptable product for the benefit of consumers or because they are cheaper than peanuts and their use would allow the manufacturer a competitive advantage in the market or both. (R. 1018, 1019, 1175, 1479, 1498, 1499, 1503, 1518, 1677, 1678, 1718, 1817, 1826, 1835, 1836, 2025, 2048, 2050, 2165, 2582–2584, 3203, 3514, 3975, 4125, 4422, 5445, 5919; Ex. 14, 14A, 40, 40A)

9. At the present time, stabilized peanut butter has largely displaced unstabilized or old-fashioned peanut butter in the market place. The sale of stabilized peanut butter is increasing faster than that of unstabilized. (R. 382, 1706, 3183, 3185, 3444, 3453; Ex. 14, 39, 40)

10. Industry practices by both large and small manufacturers should be considered in promulgating a standard of identity, but a definition and standard of identity need not embrace all existing industry practices. (R. 848, 2191, 2628)

11. Some manufacturers do not consider the stayed standard of July 8, 1965, reasonable because it does not encompass their products which employ more than 10 percent total optional ingredients. (R. 3189, 3448, 3613, 5412)

12. In surveys conducted by the Food and Drug Administration in 1963 and 1965, it was found that a majority of the manufacturers from whom data were obtained produced only peanut butter

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

containing 90 percent or more of peanuts and that others were making part of their production in this range. (R. 1160, 1171–72; Ex. 14, 40)

13. Some manufacturers changed their formulations and began using more than 10 percent optional ingredients after the Peanut Butter Manufacturers Association took a position that if a standard is established it should permit 13 percent optional ingredients. (R. 3684–3690; Ex. 14, 39, 40)

14. Many manufacturers that have produced or are producing peanut butter containing 87 percent or less of peanuts have in the past produced or are presently producing hundreds of millions of pounds of peanut butter containing 90 percent or more of peanuts. (R. 438, 3439, 3442, 3659, 4897, 4988, 5457, 5563, 5916, 5917; Ex. 14, 39, 40)

15. Some manufacturers produce peanut butter containing more than 10 percent optional ingredients, the excess being largely due to use of large amounts of a sweetening ingredient lower in sweetening potency than other suitable sweetening ingredients. (R. 3181, 5410; Ex. 14, 39, 40)

16. Sweetening ingredients commonly used in peanut butter are sucrose, dextrose, corn sirup, corn sirup solids, maltodextrins, and honey. Sweeteners differ in sweetening strength; sucrose, dextrose, corn sirup, and maltodextrins differ in sweetness in that descending order. Amounts of dextrose or corn sirup that have been used range up to 9 percent of the finished peanut butter and maltodextrins have been used in amounts as great as 14 percent. Surveys conducted by the Food and Drug Administration in 1963 and 1965 showed that some peanut butter manufacturers had changed to larger amounts of sweetener than they had previously used and thereby reduced the peanut content of their products. In some cases a sweetener was replaced with a larger amount of a less potent sweetener. (R. 342–47, 1479, 1817, 2021, 2026, 2047, 3181, 3182, 5406; Ex. 14, 40)

17. Some manufacturers who now use a large percentage of sweetening ingredient have in the past produced a satisfactory peanut butter containing 90 percent or more of peanuts by using a smaller amount of a sweetner of greater sweetening strength. This was produced using the same equipment now in use and the product so made would have been in compliance with the stayed standard of July 8, 1965. (R. 3199, 3200, 3635, 3664, 3702, 3703, 3710, 5405, 5457, 5492, 5498, 5499; Ex. 14, 39, 40)

18. Some manufacturers produce peanut butter containing more than 10 percent optional ingredients, the excess being largely due to the percentage of hydrogenated oil stabilizer used. (R. 438, 2013, 3436, 4279; Ex. 14, 39, 40)

19. In 1962 the oil content of ground roasted peanuts used for manufacture of peanut butter was found by a manufacturer to range in the case of Runner variety from 49 to 55 percent; in the case of Spanish variety from 45 to 56 percent; and in the case of Virginia variety from 45 to 52 percent. A survey conducted by the Food and Drug Administration in 1960 yielded results closely similar to these. (R. 3758, 3759; Ex. 19)

20. Removal of oil from the peanut ingredient is sometimes practiced in the manufacture of peanut butter, and this removal of oil is said to be needed with extremely oily peanuts. (R. 495, 899–900, 1321, 2080, 2166, 2584, 3082; Ex. 7)

21. The stayed standard of July 8, 1965, set a limit of not more than 55 percent total fat in the finished peanut butter because this was deemed sufficient to provide for peanut butter that might be made from peanuts naturally high in oil, even with no other ingredient. (R. 3082; Ex. 7)

22. Some manufacturers have added unhydrogenated peanut oil or other unhydrogenated vegetable oils to compensate for deficiency in oil content of the peanut ingredient. Addition of oil is needed only with peanuts that are characteristically low in oil content. Oils other than peanut oil are foreign to the peanut ingredient, and only peanut oil is suitable for this adjustment. (R. 495, 899–900, 1321, 1671, 1680, 1754, 1837, 2050, 2080, 2166, 2584, 3196, 5020, 5970, 5974–75; Ex. 7, 14, 40)

23. The amount of stabilizer needed relates primarily to the amount of free oil in the peanut butter system whether that free oil is from the peanuts or is added peanut oil. Peanut butter made from peanuts with a high oil content might require more stabilizer than that made from peanuts of lower oil content, depending on the characteristics desired by the manufacturer. (R. 2615, 2616, 5143)

24. Hydrogenated vegetable oils differ physically from their source oils. In proportion to the degree of hydrogenation, they are less fluid at ordinary temperatures and have higher melting points than their source oils. Partially and fully hydrogenated oils range in form from white plastic substances to white solids which may in some cases be hard enough to be flaked or granulated. (R. 2645, 2646, 4935)

25. Hydrogenated vegetable oils differ chemically in a number of respects from their source oils. Hydrogenated oils contain a higher percentage of saturated fatty acids and a lower percentage of unsaturated fatty acids than their source oils, the amount of difference depending on the extent of hydrogenation. Hydrogenation also changes some of the minor constituents occurring in the unsaponifiable fractions of certain oils. (R. 2646, 2648, 4935, 4936)

26. One of the more widely sold brands of peanut butter contains less than 10 percent total optional ingredients, but does not conform to the stayed standard of July 8, 1965, because it contains more than 3 percent of a blend of partially hydrogenated oils of nonpeanut origin. With respect to this product there was testimony that 3 percent of a more fully hydrogenated stabilizer would prevent oil separation but would not give the other desired characteristics in this product such as stability and absence of a waxy feel in the mouth. (R. 4909, 4910, 4920, 4927, 5134)

27. It was testified that a limitation of not over 3 percent of hydrogenated vegetable oils other than hydrogenated peanut oil in peanut butter is unnecessary. Products having a preferred combination of properties (stability against oil separation and against change in consistency with temperature; spreadability and freedom from stickiness) were asserted to require the use of partially hydrogenated oils or oils hydrogenated to various degrees, other than hydrogenated peanut oil, in amounts more than 3 percent but not more than 10 percent of the food. Hydrogenated and partially hydrogenated oils such as cottonseed oil are used as source oils for the manufacture of mono- and diglycerides which, under the stayed standard of July 8, 1965, may be used in any amount up to the limit for total optional ingredients; namely, 10 percent of the food. (R. 2640, 3436, 3447, 4910, 4920, 4927, 4928, 4937, 5134, 5149)

28. Hydrogenated vegetable oils used as stabilizing ingredients in peanut butter are decolorized and deodorized after hydrogenation and are substantially free from any characteristic flavor. Such refining also reduces the content of unsaponifiable matter. Peanut butter made with a stabilizer derived from peanut oil does not have a flavor different from one made with the same amount of a stabilizer derived from nonpeanut oil sources. (R. 2685, 4941)

29. Hydrogenation of vegetable oils changes their identity so that they can no longer be considered the respective source oils. They may retain many of their original properties but they are not the same. (R. 391, 408, 409, 413, 418, 521, 1303, 2646)

30. The medical literature does not show that fats and oils are generally considered by allergists as foods likely to cause allergic responses. (R. 7466)

31. The various hydrogenated vegetable oils used as stabilizing ingredients in peanut butter are alike in nutritional value. From the nutritional standpoint there is no need to specify on labels the source of a hydrogenated oil in peanut butter. (R. 4023, 4024, 4032, 5601)

32. Hydrogenated vegetable oils used in peanut butter stabilizers are so changed in physical and chemical characteristics from the source oils that it is appropriate to designate them as "hydrogenated (or hardened) vegetable oils" rather than to identify the source oils. In composition and physical attributes they resemble each other more closely than they do their respective source oils. (R. 4934–37)

33. Sucrose is purified by recrystallization and is identical whether produced from cane or beets. No need has been shown for requiring its source to be shown on labels of peanut butter. (R. 2251–52)

34. Stabilizing ingredients used in peanut butter include hydrogenated or partially hydrogenated peanut oil, hydrogenated or partially hydrogenated vegetable oils other than peanut oil, mono- and diglycerides, glyceryl monostearate, lecithin, and hydroxylated lecithin. (R. 363,

405, 716, 1172, 1173, 2652, 3164, 4909, 5145; Ex. 14, 40)

35. Lecithin and hydroxylated lecithin are safe and suitable stabilizing ingredients for peanut butter. (R. 725, 3164, 5145; Ex. 7)

36. The stabilizing ingredient known as mono- and diglycerides is a safe and suitable stabilizing ingredient for peanut butter. It is made by reacting fats or fatty acids with glycerin. It may be made from any fat or oil, including partially and fully hydrogenated fats and oils. A typical product contains about 10 percent of unreacted triglycerides, the remainder consisting of approximately equal amounts of monoglycerides and diglycerides. Mono- and diglycerides are effective stabilizing ingredients for peanut butter when used in limited amounts; if too much is used the food sets up too hard. The common name of this ingredient and the name by which it should be designated on the label of peanut butter is "mono- and diglycerides." (R. 839, 2282, 2748–49, 2785, 2928, 4927, 5176; Ex. 7)

37. The stabilizing ingredient glyceryl monostearate, or monoglycerides, is a commercial product distinct from that known as mono- and diglycerides, though chemically it belongs to the same class. Technically, it is used in the same way and is subject to the same limitations on amount used (see finding 36). It is obtained by distillation from mono- and diglycerides and commonly contains at least 90 percent of monoglycerides of saturated fatty acids, mainly stearic and palmitic. Monoglycerides of this degree of purity when used as ingredients of peanut butter are appropriately designated on the label as "glyceryl monostearate" or as "monoglycerides." (R. 2529, 2785–86, 2928, 5193–94; Ex. 73, 74, 127A, 127B)

38. Synthetic glycerin meeting U.S.P. specifications is suitable for manufacture of mono- and diglycerides used as ingredients of peanut butter. (R. 2731, 6754; Ex. 130A, 130B)

39. The tocopherols naturally present in peanuts have an antioxidant effect. (R. 2653, 2783)

40. It would not be in the interest of consumers to provide for addition of artificial sweeteners to a high calorie food such as peanut butter. The use of artificial sweeteners to replace nutritive sweeteners in peanut butter would actually increase its caloric content and lead to consumer deception. (R. 1101, 3957)

41. Artificial color could be used to conceal inferiority in peanut butter. (R. 1318, 5905)

42. A peanut butter product containing artificial flavor is not peanut butter. Peanut butter has a distinctive flavor of its own and there is no reason to alter its flavor by the addition of artificial flavoring. Artificial flavoring can be used to conceal inferiority in peanut butter. (R. 1098, 1675, 2627, 2628, 5904, 5905, 6123)

43. Three government agencies—Department of Agriculture, Veterans' Administration, and Department of Defense—puchase approximately 47 million pounds of peanut butter a year and, except for the small amount purchased by the Department of Defense for combat rations, do not call for fortification of the peanut butter with vitamins because they conclude there is no nutritional justification for it. The Food and Nutrition Board of the National Research Council in April of 1962 unanimously decided not to endorse the addition of vitamins to peanut butter. (R. 626, 922, 960, 1961, 1962, 2227, 2228, 2232; Ex. 12, 13, 16)

44. It is not the practice of peanut butter manufacturers to add antioxidants, artificial flavors, artificial sweeteners, chemical preservatives, or color additives to peanut butter, nor is there any need, nutritional or other, for the addition of these substances. (R. 605–607, 632–634, 1101, 1102, 1107, 1108, 1112, 1128, 1675, 2078, 2079, 2163, 2164, 2579, 2653, 3514, 3702, 4060, 4238, 4358, 4359, 5516, 5517, 5619, 5634, 5635 5636, 5904, 5905; Ex. 14, 15, 16, 39, 40, 73, 74)

45. Wheat germ has been used as a seasoning ingredient in peanut butter in amounts up to 5 percent of the finished food and is a safe and suitable seasoning ingredient for peanut butter. (R. 2081, 2082, 6313, 6331; Ex. 125)

46. Confectionery items containing ground roasted peanuts cannot be made successfully from peanut butter suitable as a household spread. Such peanut butter does not have the consistency required for the manufacture and handling of such confections. (R. 3891, 3913, 6774, 6789, 6809)

47. A consumer buying a confection containing ground peanuts with other ingredients knows he is buying a confection and does not expect it to have the characteristics or identity of the spread known as peanut butter. (R. 3892–94, 3924)

48. The standard of identity for peanut butter should not be applicable to confections that can be readily distinguished by consumers from the article named in the standard. (R. 2083, 2569, 3894, 6810)

49. A product containing 75 percent ground roasted peanuts was for about 3 years, ending in 1961, manufactured and sold as "peanut spread." Thereafter its formulation was changed so that it contained over 90 percent peanuts and it was sold as peanut butter. There was testimony that products containing less peanuts than are prescribed by a standard for peanut butter should be designated by another name such as "peanut spread." There was also testimony that standards for peanut products closely resembling each other, under different names, would cause confusion and not be in the consumer's interest. In the testimony favoring a standard for a product other than peanut butter, various levels of peanut content were proposed but there was no testimony on other requirements of such a standard. (R. 456–57, 582, 597, 1314, 1676, 2089, 2189, 2190, 2542, 2584, 2626, 3128, 3485; Ex. 5, 11A, 49, 64).

50. Ingredients used in peanut butter must not only be safe but also must conform to consumer understanding of the product and be suitable to promote honesty and fair dealing in the interest of consumers. To be suitable, an ingredient must perform a useful function and not cause deception. (R. 566–67, 575, 1073, 1074, 1331)

51. The only optional ingredients for peanut butter that have been shown to perform a useful function and maintain the integrity of the food are seasoning and stabilizing ingredients. (R. 1071–76; Ex. 14, 39, 40)

Conclusions.—On the basis of the foregoing findings of fact and giving consideration to the weight of substantial evidence of the entire record, the following conclusions are drawn:

1. The promulgation of a reasonable definition and standard of identity for peanut butter at this time will promote honesty and fair dealing in the interest of consumers.

2. The definition and standard of identity, § 46.1, as established by the order published in the FEDERAL REGISTER of July 8, 1965 (30 F.R. 8626), and stayed by order of the Commissioner of Food and Drugs published September 4, 1965 (30 F.R. 11349), will be reasonable and will promote honesty and fair dealing in the interest of consumers if it is amended to:

a. Remove the limitation in § 46.1(c) that not more than 3 percent of hydrogenated oils other than hydrogenated peanut oil may be used as optional stabilizing ingredients in peanut butter.

b. Provide that hydrogenated vegetable oils used as optional stabilizing ingredients for peanut butter may be designated on the label either by the names of their respective vegetable sources or as hydrogenated (or hardened) vegetable oils.

3. It is not necessary in order to promote honesty and fair dealing in the interest of consumers to specify, except as set forth in § 46.1 (c) and (e)(1) as amended in this tentative order, what stabilizing ingredients other than hydrogenated vegetable oils are suitable optional ingredients for peanut butter as performing a useful function in its manufacture, or how they should be designated on the label of this food.

4. It will promote honesty and fair dealing in the interest of consumers for the definition and standard of identity of peanut butter to exclude as optional ingredients each and all of the following substances: Antioxidants; vitamins A, B_1, C, and D; artificial flavorings; artificial sweeteners; chemical preservatives; and color additives.

5. Partially defatted wheat germ in amounts up to 5 percent of the finished food is a safe and suitable seasoning ingredient for peanut butter.

6. It is not necessary to amend the stayed standard for peanut butter to state specifically that it is not applicable to confectionery items that may be composed in part of peanut butter. The peanut components of peanut confections are of necessity different from peanut butter in composition and physical characteristics.

7. There is insufficient evidence of record upon which to promulgate a definition and standard of identity for a food product made from ground peanuts having a lower amount of peanut ingredient than the minimum amount of peanut ingredient contained in peanut butter.

8. It would not promote honesty and fair dealing in the interest of consumers for the definition and standard of identity for peanut butter to provide for the inclusion of any optional ingredients other than seasoning and stabilizing ingredients.

On the basis of the foregoing findings of fact and conclusions drawn therefrom, it is concluded that it is reasonable and will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for peanut butter substantially as set forth in the tentative order of December 6, 1967 (subparagraph (2) of paragraph (e) has been eliminated and the text of subparagraph (1) has been redesignated as paragraph (e)).

Therefore, it is ordered, That the definition and standard of identity for peanut butter be established by revising § 46.1 to read as follows, effective as indicated below:

§ 46.1 Peanut butter; identity; label statement of optional ingredients.

(a) Peanut butter is the food prepared by grinding one of the shelled and roasted peanut ingredients provided for by paragraph (b) of this section, to which may be added safe and suitable seasoning and stabilizing ingredients provided for by paragraph (c) of this section, but such seasoning and stabilizing ingredients do not in the aggregate exceed 10 percent of the weight of the finished food. To the ground peanuts, cut or chopped, shelled, and roasted peanuts may be added. During processing, the oil content of the peanut ingredient may be adjusted by the addition or subtraction of peanut oil. The fat content of the finished food shall not exceed 55 percent when determined as prescribed in section 25.004 *Crude Fat—Official, First Action,* paragraph (a) *Direct method,* in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th Edition, page 412.

(b) The peanut ingredients referred to in paragraph (a) of this section are:

(1) Blanched peanuts, in which the germ may or may not be included.

(2) Unblanched peanuts, including the skins and germ.

(c) The seasoning and stabilizing ingredients referred to in paragraph (a) of this section are suitable substances which are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act. Seasoning and stabilizing ingredients that perform a useful function are regarded as suitable, except that artificial flavorings, artificial sweeteners, chemical preservatives, added vitamins, and color additives are not suitable ingredients of peanut butter. Oil products used as optional stabilizing ingredients shall be hydrogenated vegetable oils. For the purposes of this section, hydrogenated vegetable oil shall be considered to include partially hydrogenated vegetable oil.

(d) If peanut butter is prepared from unblanched peanuts as specified in paragraph (b)(2) of this section, the name shall show that fact by some such statement as "prepared from unblanched peanuts (skins left on)." Such statement shall appear prominently and conspicuously and shall be in type of the same style and not less than half of the point size of that used for the words "peanut butter." This statement shall immediately precede or follow the words "peanut butter," without intervening written, printed, or graphic matter.

(e) (1) The label of peanut butter shall name, by their common names, the optional ingredients used, as provided in paragraph (c) of this section. If hydrogenated vegetable oil is used, the label statement of optional ingredients shall include the words "hydrogenated _____ _____ oil" or "hardened _____ oil," the blank being filled in either with the names of the vegetable sources of the oil or, alternatively, with the word "vegetable"; for example, "hydrogenated peanut oil" or "hardened peanut and cottonseed oils" or "hydrogenated vegetable oil."

Effective date. This order shall become effective 90 days from the date of its publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 8, 1968.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 68-8812; Filed, July 23, 1968; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6963]

PART 245—BEER

Miscellaneous Amendments

On June 7, 1968, a notice of proposed rule making to amend 26 CFR Part 245, with respect to miscellaneous amendments relating to beer, was published in the FEDERAL REGISTER (33 F.R. 8453). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestion pertaining thereto. After consideration of all relevant matter presented regarding the proposed amendments, the regulations as so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph 14 is changed by correcting an error in § 245.127 where, in the first sentence, the fourth word was given as "and" instead of "or".

PAR. 2. Paragraph 19 is changed by deleting the next-to-last sentence in § 245.158 and inserting in its place two sentences which clarify provisions relating to disposition of beer removed from the market.

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 7805, Internal Revenue Code; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: July 19 1968.

STANLEY S. SURREY
Assistant Secretary of the Treasury.

In order to (1) provide for the establishment of experimental breweries, (2) provide for storage of untaxpaid bottled beer in any suitable location in the brewery, (3) provide emergency procedures for use when meters become defective, (4) make various changes respecting qualifying documents, including bonds, Forms 27-C, and plats, (5) specify the number of copies of various applications and statements required to be filed, (6) delete requirements for filing an additional Form 11 for a trade name change, (7) make various changes in requirements relating to beer removed from the market, beer transferred, beer lost or destroyed, unsalable beer, claims, and records, (8) clarify provisions for segregation of empty containers and other supplies, (9) provide for the showing of the place of production on barrels, kegs, and bottles by a code system in certain instances, (10) insert the barrel equivalents of several additional case sizes, (11) provide an extension of time for taking the required monthly inventories, (12) delete provisions specifically providing for recasing and relabeling taxpaid beer, and (13) delete certain internal management instructions, the regulations in 26 CFR Part 245 are amended as follows:

PARAGRAPH 1. Section 245.12 is amended to prescribe the number of copies of the application a brewer must submit when he desires to use his brewery for purposes other than those provided for in regulations. As amended, § 245.12 reads as follows:

§ 245.12 Use of brewery.

The brewery shall be used exclusively, except as provided herein, for the purposes of producing and packaging or bottling beer, cereal beverages, soft drinks and other nonalcoholic beverages, vitamins, ice, malt, malt sirup, and other byproducts; of drying spent grain from the brewery; of recovering carbon dioxide and yeast; and of storing bottles, packages, and supplies necessary or incidental to all such operations. All bottling shall be conducted in the brewery bottling house. If the brewer desires to use the brewery for other purposes, not involving the production of alcoholic beverages, which (a) require the use of

byproducts or wastage from the production of beer, or utilize buildings, rooms, areas, or equipment not fully employed in the production or bottling of beer, (b) are reasonably necessary to realize the maximum benefit from the premises and equipment and to reduce the overhead of the plant, (c) are in the public interest because of emergency conditions, or (d) involve experiments or research projects related to equipment, materials, processes, products, byproducts, or wastage of the brewery, he may submit an application, in triplicate, so to do to the Director, Alcohol and Tobacco Tax Division, through the assistant regional commissioner. The Director, Alcohol and Tobacco Tax Division, will approve such application where he finds that such use will not jeopardize the revenue, will not impede the effective administration of this part, and is not contrary to the specific provisions of law.

(72 Stat. 1389; 26 U.S.C. 5411)

PAR. 2. Section 245.13 is amended to make it clear that untaxpaid bottled beer may be stored in any suitable location in the brewery. As amended, § 245.13 reads as follows:

§ 245.13 Storage of beer.

(a) *Taxpaid beer.* Beer on which the tax has been paid or determined shall not be stored in the brewery except as provided in Subpart S of this part.

(b) *Untaxpaid beer.* Bottled beer on which tax has not been paid or determined may be stored in the bottling house or in any other suitable location in the brewery.

(72 Stat. 1334, 1335, 1389; 26 U.S.C. 5054, 5056, 5411)

PAR. 3. Section 245.17 is amended to clarify requirements regarding the segregation of empty containers and other supplies. As amended, § 245.17 reads as follows:

§ 245.17 Empty container storage.

Empty barrels, kegs, bottles, other containers, or other supplies stored in the brewery must be segregated from filled containers.

PAR. 4. Section 245.34 is amended to provide procedures for use when beer meters become defective and to remove internal management instructions. As amended, § 245.34 reads as follows:

§ 245.34 Servicing of meters.

(a) *Tests, repairs, and adjustments.* When necessary in the opinion of the assistant regional commissioner, he will assign an inspector to test a meter or to supervise its removal and reinstallation in connection with cleaning or repair. When a repaired or replacement meter is installed, the inspector will test it for accuracy and proper functioning. Whenever a meter is tested, a copy of the meter test report will be given to the brewer. Except as provided in paragraph (b) of this section, the use of any meter must be discontinued whenever it is not functioning properly or recording accurately.

(b) *Emergency procedures.* When a meter becomes inoperative or inaccurate, the brewer shall make every reasonable effort to contact the assistant regional commissioner or to otherwise obtain the services of an inspector. On receipt of advice from a brewer that a meter has become inoperative or inaccurate, the assistant regional commissioner may, if he finds it is impractical to have an inspector to promptly supervise the repair or replacement of the meter, and if in his opinion the revenue will not be jeopardized, permit the brewer to temporarily continue operations even though the quantity of beer transferred is not accurately metered. If the brewer is unable to contact the assistant regional commissioner, or to otherwise obtain the services of an inspector, he may temporarily continue operations even though the quantity of beer transferred is not accurately metered. When a brewer continues bottling or racking operations as provided in this paragraph, he shall determine and record the quantity of beer transferred other than through a properly operating meter; shall terminate the emergency operations as soon as is practical; and, where operations are continued without prior approval, shall notify the assistant regional commissioner of the action and the circumstances thereof as soon thereafter as possible in which case the assistant regional commissioner may either authorize the continuation of emergency operations or require that operations be ceased until the meter has been repaired or replaced.

(72 Stat. 1395; 26 U.S.C. 5552)

PAR. 5. Paragraph (k) of § 245.41 is amended to provide that encumbrances on brewery equipment held by the manufacturer of the equipment or his franchised distributor need not be reported in the brewer's notice. As amended, § 245.41(k) reads as follows:

§ 245.41 Data for notice.

* * * * *

(k) The name and address of the owner of the fee and of any mortgagee or other encumbrancer of the land, buildings, or equipment comprising the brewery (except when an encumbrance on equipment is held by, or the equipment is leased from, the manufacturer thereof or his representative or franchised distributor).

* * * * *

PAR. 6. Section 245.42 is amended to remove the provisions as to the number of required copies of Form 1534 to be filed, and to reduce the number of copies of the document which authorizes a person to sign or act on behalf of a brewer. As amended, § 245.42 reads as follows:

§ 245.42 Powers of attorney.

The brewer shall execute and file with the assistant regional commissioner a Form 1534, in accordance with the instructions on the form, for every person who is authorized to sign or act on behalf of the brewer, except that a certified true copy, in duplicate, of a resolution of the board of directors authorizing a person to sign or act on behalf of the brewer will be accepted as evidence of the authority of such person to so sign or act.

PAR. 7. Section 245.44 is amended to provide that certain documents, if they reflect current data, may be incorporated as a part of new Forms 27–C that are filed at 4-year intervals. As amended, § 245.44 reads as follows:

§ 245.44 Supplemental and superseding notices.

The brewer shall file an amended or supplemental Form 27–C, as provided in Subpart L of this part, covering changes in items of information recorded on the active Forms 27–C on file. Such amended or supplemental notices may be in skeleton form. The brewer shall file a new and complete notice, superseding those previously filed, once every 4 years, which new notice will become effective on the date of renewal of the brewer's bond as provided in § 245.45: *Provided,* That where the information and documents required by § 245.41 (f), (g), (h), (i), (j), (l), and (m) are on file as an attachment to a previously filed and approved Form 27–C and reflect current data, such information and documents may be incorporated by reference in, and be made a part of, the new and complete notice. Where a brewer files a new bond before expiration of the usual 4-year period, as provided in § 245.49, the assistant regional commissioner may require the filing of a new and complete notice, which supersedes those previously filed and which may incorporate information and documents contained in a previously filed and approved Form 27–C and reflecting current data as provided in this section. The new notice will become effective on the effective date of the new bond, or the assistant regional commissioner may postpone the filing of such new notice until such time as the new bond is renewed or superseded.

PAR. 8. Section 245.58 is amended to clarify the time when the surety is relieved from future liability under a bond which is superseded by a new bond. As amended, § 245.58 reads as follows:

§ 245.58 Termination of surety's liability under bond.

The liability of a surety on any bond required by this part shall be terminated only as to liability arising on and after the effective date of a superseding bond; or the date of approval of the discontinuance of the business of the brewer giving the bond; or pursuant to the giving of notice by the surety as provided in § 245.59.

PAR. 9. Section 245.68 is amended to remove the requirement that the assistant regional commissioner and the brewer's draftsman shall sign the certificate of accuracy on the plat. As amended, § 245.68 reads as follows:

§ 245.68 Certificate of accuracy.

The plat shall bear a certificate of accuracy in the lower right-hand corner Since the determination of tax liability is based upon a count of cases of bottles, of each sheet, signed by the brewer, substantially as follows:

(Name of brewer)

(Address)

Accuracy certified by:

_____
(Name and capacity—for the brewer)

Sheet No. _____, Date _____.

PAR. 10. Section 245.71 is amended to provide a retention period for qualifying documents and to delete an internal management instruction. As amended, § 245.71 reads as follows:

§ 245.71 Approved documents.

On approval of the documents, the assistant regional commissioner shall forward one copy of the bond, notice, plat, and other documents to the brewer who shall file such approved documents on the premises, available for inspection by internal revenue officers. Such documents shall be retained so long as they are applicable to the qualification or operation of the brewery and for a period of not less than four years thereafter.

(72 Stat. 1390; 26 U.S.C. 5415)

PAR. 11. Section 245.90 is amended to make it clear that an amended Form 27–C need not be filed to show the sale or transfer of capital stock which does not result in a change in control or management of the business and to extend these provisions to include the issuance of additional shares of stock. As amended, § 245.90 reads as follows:

§ 245.90 Changes in stockholders, officers, and directors of corporation.

The sale, issuance of additional shares, or transfer of capital stock of a corporation operating a brewery does not constitute a change in the proprietorship of the brewery, and an amended Form 27–C need not be filed because of such changes. However, where the sale, issuance of additional shares, or transfer of capital stock results in a change in the control or management of the business, or where there is any change in the officers or directors, the brewer must give notice thereof on Form 27–C, in triplicate, to the assistant regional commissioner within 30 days of such change.

PAR. 12. Section 245.97 is amended to delete the requirement for filing an additional Form 11 for a change in trade name, thus eliminating the need for amending the special tax stamp. As amended, § 245.97 reads as follows:

§ 245.97 Change in name; amended Form 11.

Where there is a change in the corporate name or firm name, the brewer shall, within 30 days after such change is made, file with the district director an additional return on Form 11, covering the new corporate name or firm name. The special tax stamp, or stamps, shall be forwarded to the district director for appropriate notation with respect to such change.

(68A Stat. 846; 26 U.S.C. 7011)

PAR. 13. Section 245.115 is amended to provide additional case sizes and their barrel equivalents. As amended, § 245.115 reads as follows:

§ 245.115 Tax computations for bottled beer.

Barrel equivalents for various case sizes are as follows:

Number of bottles per case	Fluid contents (ounces) of each bottle	Barrel equivalent
1	128	0.03226
1	288	.07258
4	64	.06452
6	64	.09677
12	6	.01815
12	7	.02117
12	8	.02419
12	11	.03327
12	12	.03629
12	14	.04234
12	30	.09073
12	32	.09677
12	40	.12097
24	6	.03629
24	7	.04234
24	8	.04839
24	9	.05444
24	10	.06048
24	11	.06653
24	11½	.06956
24	12	.07258
24	13	.07863
24	14	.08468
24	15	.09073
24	16	.09677
32	7	.05645
35	7	.06174
36	6	.05444
36	7	.06351
36	8	.07258
40	7	.07056
48	10	.12097
48	12	.14516
50	12	.15120

various sized bottles may not be indiscriminately mixed in a case. This shall not be construed as prohibiting cases or bottles of sizes other than those listed in the above table or cases which contain bottles of more than one size where such cases are uniformly filled with a specific number of bottles of each size: *Provided,* That if beer is to be removed in cases or bottles of sizes other than those listed in the above table, the brewer will notify the assistant regional commissioner in advance and request to be advised of the fractional barrel equivalent applicable to the proposed container.

PAR. 14. Subpart O is amended to provide for marks, brands, and labels on containers of beer and for use of a coding system to indicate the place of production. As amended, Subpart O reads as follows:

Subpart O—Marks, Brands, and Labels

§ 245.125 Barrels and kegs.

(a) *General.* The brewer's name or trade name and the place of production (city and, where necessary for identification, State) shall be embossed on, indented or branded in, or (subject to the approval of the Director, Alcohol and Tobacco Tax Division) otherwise durably marked on each barrel and keg of beer: *Provided,* That where the place of production is clearly shown on the bung or on the tap cover or on a label securely affixed to each barrel or keg, the place of production need not be embossed on, indented or branded in, or otherwise durably marked on the barrel or keg. No statement as to payment of internal revenue taxes shall be shown.

(b) *Breweries of same ownership.* Where two or more breweries are owned and operated by the same person, firm, or corporation, the place of production may be shown as provided in paragraph (a) of this section, or the locations of more than one such brewery may be so shown. Where such marking includes a location or locations other than that at which the beer currently in the container was produced, the location of the brewery at which the beer was produced must be shown on the bung or on the tap cover or on a label securely affixed to each barrel or keg: *Provided,* That the brewer may employ on the label a system of coding or marking, satisfactory to the assistant regional commissioner, which will permit internal revenue officers to readily identify the particular brewery at which the beer was produced. If more than one commonly owned brewery is located in the same city, the location by street number will also be shown on the label (printed or indicated by code as provided in this section).

(72 Stat. 1389; 26 U.S.C. 5412)

§ 245.126 Bottles.

Each bottle of beer shall show by label or otherwise the name or trade name of the brewer, the net contents of the container, the nature of the product, such as beer, ale, stout, etc., and the place of production (city and, where necessary for identification, State). Where two or more breweries are owned and operated by the same person, firm, or corporation, the place of production may be included in a listing of the locations of any or all such breweries, but in such case the place of production shall not be given less emphasis than is given the other locations. Where the location of two or more breweries is shown on a label, the actual place of production may be indicated either in printing or by means of an identification code printed, punched, notched, cut, or otherwise marked on each label, or on the bottle, or the crown or lid attached thereto. If more than one such brewery is located in the same city, the location by street number will also be shown (printed or indicated by code). If the brewer's name, trade name, or brand name includes the name of a city which is not the place where the beer was produced, the Director, Alcohol and Tobacco Tax Division, may require the actual place of production to be stated as such on the label. The coding system employed shall provide legible, permanent information, shall enable internal revenue officers to readily identify the brewery at which the beer was produced, and shall, before use, be approved by the assistant regional commissioner. No statement as to payment of internal revenue taxes shall be shown. The labels used by the brewer shall be covered by certificates of label approval where required by 27 CFR Part 7. The statement of net contents shall indicate exactly the volume of beer within the bottle except for such variations in measuring as may occur in filling conducted in compliance with good commercial practice. Short-fill bottles of beer

which are sold or otherwise disposed of by a brewery to its own employees for their own use but which are not for resale need not be labeled, but, if labeled, need not show an accurate statement of net contents.

(72 Stat. 1389; 26 U.S.C. 5412)

§ 245.127 Cases.

The brewer's name or trade name, or, if such information is shown elsewhere on the case or shipping container, a name which, in the opinion of the assistant regional commissioner, is widely accepted as identifying the brewer, shall be shown on a side or the top of each case or other shipping container of bottled beer. The brewer may also show on the case or other shipping container the place of production (city and, where necessary for identification, State) and, where two or more breweries are owned and operated by the same person, firm, or corporation, the case or other shipping container may also show the addresses of such breweries. If a single address is shown, it must be that of the producing brewery.

(72 Stat. 1389; 26 U.S.C. 5412)

§ 245.128 Rebranding barrels or kegs.

No barrel or keg which bears the name of more than one brewer or, except as provided in § 245.205, the name of a brewer other than the producing brewer, may be used as a container for beer. Where barrels or kegs are purchased by one brewer from another or obtained by other legitimate means, and after the assistant regional commissioner has been notified of the proposed action, the original marks and brands shall be permanently removed or durably covered: *Provided*, That where a brewer adopts a trade name which is substantially identical to the name appearing on the barrels or kegs he has obtained, such barrels or kegs may be used without removing or covering the original marks and brands. The successor to a brewer who has discontinued business may place additional marks and brands on the barrels and kegs, in accordance with § 245.125, which indicate the successorship without removing the marks and brands of the predecessor.

(72 Stat. 1389; 26 U.S.C. 5412)

§ 245.129 Tanks, vehicles, and vessels.

Each tank, tank car, tank truck, tank ship, barge, or deep tank of a vessel, used for transferring beer from one brewery to another brewery belonging to the same brewer, as provided in § 245.141, must be plainly and durably marked with the brewer's name, the address of the brewery from which the beer was removed, the address of the brewery to which transferred, the date of shipment, and the quantity transferred (expressed in barrels). The marks may be placed on a suitable label securely affixed to the route board of such containers.

(72 Stat. 1389; 26 U.S.C. 5414)

PAR. 15. Section 245.136 is amended to provide recordkeeping requirements for transactions in malt extract, wort, and other products, produced and removed from the brewery. As amended, § 245.136 reads as follows:

§ 245.136 Malt, and malt sirup, wort, and other products.

The brewer shall keep accurate records of all malt removed, and of all malt sirup, malt extract, wort, and concentrated wort produced and removed from the brewery. The records of production shall include the quantities and kinds of materials used and, in the case of wort and concentrated wort, the balling of the product. The records of removals, which may consist of invoices or other shipping documents, shall show the quantity of each lot removed, together with the name and address of the person to whom shipped or delivered. The records shall be available for inspection by internal revenue officers.

(72 Stat. 1389; 26 U.S.C. 5411)

PAR. 16. Sections 245.141 and 245.144 are amended to delete requirements that keg and bottled beer transferred from another brewery owned by the same brewer shall be received in the racking room and bottling house, respectively. As amended, §§ 245.141 and 245.144 read as follows:

§ 245.141 Kinds of containers.

Beer may be transferred without payment of tax from one brewery to another brewery belonging to the same brewer (a) in bottles and cases; (b) in the brewer's hogsheads, barrels, or kegs; or (c) in tanks, tank cars, tank trucks, tank ships, barges, or deep tanks of vessels, subject to such limitations and conditions as may be imposed by the assistant regional commissioner. All such containers shall be marked, branded, or labeled as provided in Subpart O of this part. Bulk beer transferred in tanks, vehicles, or vessels, as provided in this section, shall not be received in the bottling house.

(72 Stat. 1389; 26 U.S.C. 5414)

§ 245.144 Mingling.

Beer transferred without payment of tax from one brewery to another brewery belonging to the same brewer may, subject to the limitation stated in § 245.141, be mingled with beer of the receiving brewery and may be handled thereafter in accordance with the requirements of this part relating to beer produced in such brewery.

(72 Stat. 1389; 26 U.S.C. 5414)

PAR. 17. Section 245.152 is amended to provide that the application by the brewer for removal of sour or damaged beer shall be in duplicate and to remove internal management material relating to samples and chemical analysis thereof. As amended, § 245.152 reads as follows:

§ 245.152 Application.

Before removing sour or damaged beer, the brewer shall make application, in duplicate, to the assistant regional commissioner for permission to make such removal, stating the quantity, type, condition, and proposed disposition of the beer. The assistant regional commissioner may cause such inspection to be made as he may consider necessary before granting permission for removal, and will notify the brewer in writing whether the beer may be removed. The assistant regional commissioner may authorize such removal without inspection where he is satisfied that the revenue will not be jeopardized thereby.

(72 Stat. 1334; 26 U.S.C. 5053)

§ 245.157 [Revoked.]

PAR. 18. Section 245.157 is revoked.

PAR. 19. Section 245.158 is amended to make it clear that only the brewer who paid or determined the tax on beer removed from the market may claim refund or credit of such tax, and to liberalize the requirements relating to the segregation of beer removed from the market. As amended, § 245.158 reads as follows:

§ 245.158 Beer removed from market.

Beer on which the brewer has paid or determined the tax and which he removes from the market may be returned to and stored in the brewery, and refund or credit of the tax may be claimed by him in accordance with the provisions of Subpart T. Unless such beer is to be returned to the stock of the racking room or bottling house, it shall be identified as beer removed from the market, be segregated from all other beer (or be otherwise clearly identified), and be accessible for inspection by internal revenue officers. The tax on any such returned beer which is again removed for consumption or sale shall be determined and paid without respect to the tax which was determined at the time of prior removal of the beer. The brewer may, unless he is required to submit notice under § 245.162, destroy in his brewery, return to stock, recondition, or use as material such returned beer. If the brewer desires to destroy elsewhere than in his brewery beer removed from the market, he shall comply with the provisions of § 245.161. The brewer's daily records and Form 103 shall properly reflect the receipt and disposition of such beer, and the balling thereof if used as material.

(72 Stat. 1334, 1335, 1389, 1390; 26 U.S.C. 5054, 5056, 5411, 5415)

PAR. 20. Section 245.161 is amended by revising the opening paragraph and paragraphs (d) and (f), and by revoking paragraph (e) to delete requirements for the filing of a written notice by the brewer when taxpaid beer, removed from the market, is to be returned to stock, reconditioned, used as material, or destroyed at the brewery. The amended provisions of § 245.161 read as follows:

§ 245.161 Notice by brewer.

When a brewer possesses taxpaid beer (or beer on which the tax has been determined), which has been removed from the market and which he desires to destroy elsewhere than in his brewery, he shall give written notice of his intention in triplicate, to the assistant

regional commissioner: *Provided,* That such notice may be submitted directly to an inspector at the brewery. The notice, which shall be serially numbered, shall be executed under penalties of perjury as defined in § 245.5. The notice shall specify the date on which the beer is to be destroyed, which date shall not be less than 12 days from the date of the notice. If, before the date specified in the notice, an internal revenue officer has not supervised destruction of the beer, or the assistant regional commissioner has not advised the brewer to the contrary, the brewer may destroy the beer on the date and in the manner stated in the notice. Where the notice is given to an inspector at the brewery, the inspector may supervise the transaction or transmit the notice to the assistant regional commissioner. The notice shall contain the following information:

* * * * *

(d) If the title to the beer has passed, the name and address of the person returning the beer.

(e) [Revoked.]

(f) The location at which the brewer desires to accomplish destruction and the reason for not destroying the beer at the brewery.

(72 Stat. 1335; 26 U.S.C. 5056)

PAR. 21. Section 245.162 is amended with respect to verification of the brewer's statements regarding, and supervision of the destruction or other disposition of, taxpaid beer removed from the market. As amended, § 245.162 reads as follows:

§ 245.162 Supervision.

(a) *Assignment of inspector.* On receipt of the brewer's notice, the assistant regional commissioner shall, if he considers it necessary for the protection of the revenue, assign an inspector to verify the statements therein and, to the extent the assistant regional commissioner deems necessary, to witness the destruction of the beer. The assistant regional commissioner may require that the destruction of the beer be delayed pending arrangement of a convenient time for supervision, and, if the place of destruction is not readily accessible to an inspector, the assistant regional commissioner may require that the beer be moved to a more convenient location.

(b) *Additional notice requirements.* Notwithstanding the provisions of § 245.161, the assistant regional commissioner may, where he deems it necessary, require a brewer who has on hand taxpaid or tax-determined beer which has been removed from the market, and which the brewer desires to destroy at the brewery, return to stock, recondition, or use as material, to give written notice of his intention in the same manner as is required by § 245.161 with respect to beer which is to be destroyed elsewhere than in the brewery.

(72 Stat. 1335; 26 U.S.C. 5056)

PAR. 22. Section 245.163 is amended to make it clear that claims under this section relate only to beer which has been removed from the brewery. As amended, § 245.163 reads as follows:

§ 245.163 Beer lost or destroyed by fire, casualty, or act of God.

In accordance with the provisions of this part the tax paid by any brewer on beer produced in the United States may be refunded or credited (without interest), or, if the tax has not been paid, the brewer may be relieved of liability therefor if, after removal from the brewery and before transfer of title thereto to any other person, such beer is lost other than by theft, or is destroyed by fire, casualty, or act of God. A brewer who sustains such loss and desires to file a claim for refund, credit, or remission of tax, shall, on learning of such loss, immediately notify the assistant regional commissioner of the nature, cause, and extent of the loss, and the place where such loss occurred. Statements of witnesses or other supporting documents should be furnished, if available. When such notice, and supporting documents where furnished, are received by the assistant regional commissioner, he will examine the reasons for the described loss and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary for use in connection with the claim when it is submitted. The tax liability on excessive losses of beer from transfers between breweries of the same ownership may be remitted as provided in § 245.143.

(72 Stat. 1335; 26 U.S.C. 5056)

PAR. 23. Sections 245.164 and 245.165 are amended to require additional information on certain claims for refund or credit of tax, and to remove the requirement that claims should, when feasible, be filed concurrently with notices of intention. As amended, §§ 245.164 and 245.165 read as follows:

§ 245.164 Claims for refund of tax.

Claims for refund of tax shall be filed on Form 843. Such claims, if for refund of tax on beer removed from the market, shall show (a) the name and address of the brewer, (b) the quantity of beer covered by the claim, (c) the amount of tax for which the claim is filed, (d) the reason for removal of the beer from the market and the facts relating thereto, (e) whether the brewer is indemnified by insurance or otherwise in respect of the tax, and, if so, the nature of such indemnification, (f) the claimant's reasons for believing that the claim should be allowed, and (g) if the beer removed from the market has been returned to stock (with or without recasing or relabeling), reconditioned, used as material, or destroyed at the brewery, the date on which the beer was removed from the market, the name of the person from whom the beer was returned, and a statement that the tax has been fully paid or determined. If the claim is for refund of tax on beer lost or destroyed by fire, casualty, or act of God, it shall contain the information specified in paragraphs (a), (b), (c), (e), and (f) of this section, and a statement of the circumstances surrounding the loss; the claim shall also show the date of the loss, and, if lost in transit, the name of the carrier. Notices required under §§ 245.161 and 245.163 shall be incorporated, by reference, in claims. Claims covering losses shall be supported, whenever possible, by affidavits of persons having knowledge of the loss, unless such affidavits are contained in the notice given under § 245.163. The assistant regional commissioner may require the submission of additional evidence in support of any claim filed under this section when deemed necessary for proper action on the claim. Any claim on Form 843 shall be filed with the assistant regional commissioner having jurisdiction over the region in which the tax was paid within 6 months after the date of removal from the market or loss or destruction by fire, casualty, or act of God. Such claims will not be allowed if filed after the prescribed time or if the claimant was indemnified by insurance or otherwise in respect of the tax.

(72 Stat. 1335; 26 U.S.C. 5056)

§ 245.165 Claims for allowance of credit for tax.

In lieu of filing a claim for refund of tax as provided in § 245.164, a brewer may file with the assistant regional commissioner having jurisdiction over the region in which the tax was paid, a claim on Form 2635 for allowance of credit for the tax paid. Any claim for credit filed on Form 2635 shall include all of the information required under § 245.164 with respect to a claim for refund on Form 843. Notices required under §§ 245.161 and 245.163 shall be incorporated, by reference, in such claims. The brewer shall not anticipate allowance of a credit or make an adjusting entry therefor in a tax return pending consideration and action on the claim by the assistant regional commissioner. When written notification of allowance of the credit or any part thereof is received from the assistant regional commissioner, the brewer may make a proper adjusting entry and explanatory statement in the next subsequent beer tax return (or returns) to the extent necessary to exhaust the credit. The assistant regional commissioner may require the submission of additional evidence in support of any claim filed under this section when deemed necessary for proper action on the claim. A claim for allowance of credit for tax paid on beer must be filed within 6 months after the date of removal from the market, loss, or destruction by fire, casualty, or act of God. A claim will not be allowed if filed after the prescribed time or if the brewer was indemnified by insurance or otherwise in respect of the tax.

(72 Stat. 1335; 26 U.S.C. 5056)

PAR. 24. Section 245.225 is amended to provide in paragraph (a) for maintenance of records of materials used in the production of wort received; to revoke paragraph (i) pertaining to beer recased or relabeled; to add a new paragraph (n) providing record requirements for materials sold and materials used in

the manufacture of wort, malt sirup, and malt extract for sale or removal; and to insert a proviso regarding inventories. The amended provisions of § 245.225 read as follows:

§ 245.225 Records.

* * * * *

(a) Each kind of material received and used in the production of beer and cereal beverage (including, in the case of wort and concentrated wort, the ballings thereof and the quantity and kind of each material used in the production thereof).

* * * * *

(i) [Revoked.]

* * * * *

(n) Brewing materials sold (including the name and address of the person to whom shipped or delivered) and brewing materials used in the manufacture of wort, wort concentrate, malt sirup, and malt extract for sale or removal.

The brewer shall also maintain a record reflecting shortages and overages of beer and cereal beverage disclosed by physical inventories taken at least once each calendar month: *Provided,* That a physical inventory taken on a Saturday or Sunday next succeeding the last day of any calendar month, or on a legal holiday (of the particular State or of the District of Columbia wherein the brewery is located) falling within the first 7 days of the next calendar month, shall be deemed to be a physical inventory taken during the calendar month immediately preceding such Saturday or Sunday or legal holiday. The brewer shall maintain a record of the ballings of the wort produced, and of the ballings and the alcohol content of beer and cereal beverage transferred (1) to the bottling house, (2) to the racking room, and (3) between breweries in bulk conveyances. The records reflecting ballings and alcohol content need not be consolidated and averaged daily unless the brewer desires. The brewer's records shall include all supplemental and auxiliary records of individual operations and transactions of the brewery needed for compilation purposes and for verification by internal revenue officers. The daily totals of transactions and operations of the brewery shall be recorded on Form 2051 unless alternate records showing the information required thereby are used by the brewer as provided herein. Specimen copies of Form 2051 will be furnished brewers by assistant regional commissioners. Form 2051, if maintained, will be provided by brewers at their own expense. Assistant regional commissioners may authorize brewers to modify Form 2051 to adapt its use to tabulating or other data processing equipment, or to the brewer's special operations, or to provide additional information, where such modifications are not inconsistent with the general requirements of accuracy and clarity. Where a brewer's records show the required information in any other form of record or combination of records, the brewer may use such records in lieu of maintaining Form 2051. The Director, Alcohol and Tobacco Tax Division, may require the maintenance of Form 2051 by any brewer when the interests of the United States so demand. All entries in the records required by this part shall be made not later than the close of the business day next succeeding the day on which the transactions occur: *Provided,* That when the last day for making such entries falls on Saturday, Sunday, or a legal holiday (of the particular State or of the District of Columbia wherein the brewery is located), such entries shall be considered timely if they are made on the next succeeding day which is not a Saturday, Sunday, or a legal holiday (of the particular State or District of Columbia wherein the brewery is located).

(68A Stat. 896, 72 Stat. 1390, 1395; 26 U.S.C. 7503, 5415, 5555)

PAR. 25. Section 245.230 is amended to make its provision applicable to the disposition of unsalable beer which has been metered for racking or bottling, rather than only to unsalable beer in the bottling house. As amended, § 245.230 reads as follows:

§ 245.230 Disposition of unsalable beer.

A brewer having unsalable beer in barrels, kegs, bottles, or racker or bottling tanks, which has never been removed from the brewery, may destroy, recondition, or use such beer as material. The brewer shall report the quantity of such beer destroyed, reconditioned, or used as material, in his daily records and on Form 103. If the unsalable beer consists of rejects from the racking room or bottling line, such beer may be destroyed without being included in the respective production records, and, when so destroyed, shall be so reported in the brewer's daily records and on Form 103. When such reject bottled beer is to be consumed at the brewery or sold to brewery employees, or is cased or otherwise accumulated pending other disposition, the quantity thereof must be included in bottling house production and be so reported in the brewer's daily records and on Form 103.

(72 Stat. 1389, 1390, 1395; 26 U.S.C. 5411, 5415, 5555)

PAR. 26. Immediately following Subpart BB, a new Subpart CC, providing for establishment of experimental breweries, is added to read as follows:

Subpart CC—Experimental Breweries

Sec.
245.251 General.
245.252 Application.
245.253 Action on application.
245.254 Bond.
245.255 Special tax.
245.256 Operations and records.
245.257 Discontinuance of operations.

§ 245.251 General.

A brewery may be established for research, analytical, experimental or developmental purposes in connection with (a) the processes and systems by which beer is brewed, packaged, stored, handled, or shipped, (b) the materials and equipment used in brewing, packaging, storing, handling, or shipping beer, or (c) the byproducts which are, or may be, derived from beer or from the brewing of beer. Such experimental breweries shall be established and operated as provided in this subpart. Notwithstanding the implications of any other section of this part, beer may be removed from such brewery only as provided in § 245.215. Beer may be transferred to the experimental brewery from another brewery of the same ownership in accordance with the provisions of Subpart Q of this part. The provisions of Subparts C (except § 245.10), D, E, F, G, H (except §§ 245.46, 245.48–245.61, and those portions of § 245.45 relating to consents of surety and quadrennial renewal of bonds and of § 245.47 relating to transfer of beer from other breweries owned by the same brewer), I, L (except §§ 245.86–245.91, 245.93–245.94, 245.95 with respect to bonds and consents of surety, and 245.97–245.100), M, O, P, R, S, T, U, W, X, and AA of this part shall not be applicable to experimental breweries established under this subpart.

§ 245.252 Application.

(a) *Original.* Any person who desires to establish an experimental brewery under the provisions of this subpart shall file an application therefor with the assistant regional commissioner. The application shall be in writing, in triplicate, and shall state (1) the name and address of the applicant; (2) a description of the premises and equipment to be used in the operations of such brewery; (3) the nature, purpose, and extent of the operations; and (4) that the applicant agrees to comply with all provisions of this part applicable to the operations to be conducted. The assistant regional commissioner may authorize the operation of an experimental brewery if he determines that the brewery will be operated solely for one or more of the purposes specified in § 245.251 and that the operations will be such that the revenue will not be jeopardized. Such authorization will expire on the last day of June following the date the authorization was granted: *Provided,* That when an original application is being approved not more than six months prior to July 1, the assistant regional commissioner may authorize operation of the experimental brewery through June 30 of the next succeeding year. The assistant regional commissioner may at any time before or after approval of an application require the submission of such additional information as he considers necessary for administration of the applicable provisions of this part or for the protection of the revenue. Authorization to operate an experimental brewery may be withdrawn whenever in the judgment of the assistant regional commissioner the revenue would be jeopardized by the operations of the brewery.

(b) *Annual authorization.* Any person who desires to continue the operation of an experimental brewery shall file a new and complete application as of July 1 of each year: *Provided,* That when an original application has been authorized for a period of more than 1 year as provided in paragraph (a) of this section, a new application will

not be required as of July 1 of the year in which such authorization was given. The new application, which shall supersede those previously filed, shall conform to the requirements of paragraph (a) of this section. Operation of an experimental brewery shall not continue until the superseding application required by this section has been approved by the assistant regional commissioner.

§ 245.253 Action on application.

If the assistant regional commissioner approves the application, he will so note each copy and forward one copy to the applicant, one copy to the Director, Alcohol and Tobacco Tax Division, and retain the original. The applicant shall file his copy of the approved application at his premises, available for inspection by internal revenue officers.

§ 245.254 Bond.

Any person requesting authorization to establish an experimental brewery as provided in § 245.252 shall also execute and file bond on Form 1566. The operation of the experimental brewery shall not commence until the applicant receives notice from the assistant regional commissioner of the approval of such bond. Such operation may continue only so long as an approved bond on such form is in effect. The bond shall be conditioned that the operator of the experimental brewery shall pay, or cause to be paid, to the United States according to the laws of the United States and the provisions of this part, the taxes, including penalties and interest, for which he shall become liable, on all beer brewed, produced, or received on the premises.

§ 245.255 Special tax.

The special tax imposed on a brewer by section 5091, I.R.C., shall be paid in accordance with Subpart K of this part.

§ 245.256 Operations and records.

On receipt of the approved application, operations may commence. Monthly reports of operations need not be filed with the assistant regional commissioner, but records which are, in the opinion of the assistant regional commissioner, appropriate to the type of operation being conducted shall be maintained, available for inspection by internal revenue officers. Such records shall include information sufficient to fully account for the receipt, production, and disposition of all beer received or produced on the premises, and the receipt (and disposition, if removed) of all brewing materials.

§ 245.257 Discontinuance of operations.

When operations are to be discontinued, the brewer shall notify the assistant regional commissioner in writing, in triplicate, stating therein the purpose of the notice and giving the date of the discontinuance. When operations have been completed and all beer on the premises has been disposed of and appropriately accounted for, the assistant regional commissioner will note his approval on the notice, return one copy to the proprietor, forward one copy to the Director, Alcohol and Tobacco Tax Division, and retain the original.

[F.R. Doc. 68-8784; Filed, July 23, 1968; 8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 398-68]

PART 45—STANDARDS OF CONDUCT

Revocation of Regulation Dealing With Dual Federal and State Officeholding

Under and by virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5 of the United States Code, and in view of the revocation of Executive Order No. 9 of January 17, 1873, by Executive Order No. 11408 of April 27, 1968 (33 F.R. 6459), section 45.735-20 of Part 45 of Chapter I of Title 28, Code of Federal Regulations, is revoked.

RAMSEY CLARK,
Attorney General.

JULY 20, 1968.

[F.R. Doc. 68-8875; Filed, July 23, 1968; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Addresses of Claimants

In § 1.518, paragraph (b) is revised to read as follows:

§ 1.518 Addresses of claimants.

* * * * *

(b) The address of a Veterans Administration claimant as shown by Veterans Administration files may be furnished to:

(1) Duly constituted police or court officials upon official request and the submission of a certified copy either of the indictment returned against the claimant or of the warrant issued for his arrest.

(2) Police, other law enforcement agencies, or Federal, State, county, or city welfare agencies upon official written request showing that the purpose of the request is to locate a parent who has deserted his child or children and that other reasonable efforts to obtain an address have failed. The address will not be released when such disclosure would be prejudicial to the mental or physical health of the claimant. When an address is furnished it will be accompanied by the stipulation that it is furnished on a confidential basis and may not be disclosed to any other individual or agency.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: July 11, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 68-8790; Filed, July 23, 1968; 8:46 a.m.]

PART 18—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE VETERANS ADMINISTRATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Statutory Provisions

In Part 18, Appendix A, following § 18.13, is amended to read as follows:

APPENDIX A

STATUTORY PROVISIONS TO WHICH THIS PART APPLIES

1. Payments to State homes (38 U.S.C. 641).
2. State home facilities for furnishing nursing home care (38 U.S.C. 5031-5037).
3. Space and office facilities for representatives of recognized national organizations (38 U.S.C. 3402(a)(2)).
4. Vocational Rehabilitation, Veterans Educational Assistance, War Orphans' Educational Assistance, and Administration of Educational Assistance (38 U.S.C. chapters 31, 34, 35, and 36, respectively).
5. Exchange of Medical Information (38 U.S.C. 5055).

(Sec. 602, 78 Stat. 252; 42 U.S.C. 2000d-1; 38 U.S.C. 641, 5031-5037, 5055, 3402(a)(2), chapters 31, 34, 35 and 36)

This VA Regulation is effective upon publication in the FEDERAL REGISTER.

Approved: May 20, 1968.

[SEAL] W. J. DRIVER,
Administrator.

[F.R. Doc. 68-8879; Filed, July 23, 1968; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 6—Department of State

[Dept. Reg. 108.591]

PART 6-1—GENERAL

Subpart 6-1.4—Procurement Responsibility and Authority

Part 6-75, Delegations of Procurement Authority, is redesignated as Subpart 6-1.4 and revised to read as follows:

Sec.

AUTHORITY: The provisions of this subpart 6–1.4 issued under Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); Sec. 4, 63 Stat. 111, 22 U.S.C. 2658.

§ 6–1.400 Scope of subpart.

This subpart sets forth the procurement responsibility and authority of the chief officer responsible for procurement and contracting officers, and treats the selection and designation of contracting officers to enter into and administer contracts, interagency agreements, purchase orders, grants, and other contractual arrangements, hereinafter referred to as "contracts" unless otherwise stated.

§ 6–1.401 Responsibility of the head of the procuring activity.

The Chief, Supply and Transportation Division, is designated the chief officer responsible for procurement and as such shall provide policy direction and prescribe standards, procedures, and regulations for the award and administration of contracts, both within and outside the United States, except for procurements by the Office of Foreign Buildings and those procurements outside the United States by the Office of Refugee and Migration Affairs.

§ 6–1.402 Authority of contracting officers.

The authority of the Secretary of State to enter into and administer contracts, purchase orders, grants, and other agreements for the expenditure of funds involved in the acquisition of property or nonpersonal services and for the sale of personal property is delegated to those officials designated in § 6–1.404–2 and to any official designated to act for one of those enumerated during the absence or incapacity of the latter, subject to specific limitations stated in this subpart. When exercising the authority contained in this subpart, the designated official is a contracting officer.

§ 6–1.403 Requirements to be met before entering into contracts.

Contracting officers are responsible for the legal, technical, and administrative sufficiency of the contracts they enter into. To this end they shall obtain such available legal, technical, and financial advice as necessary for the proper execution of their duties.

§ 6–1.404 Selection, designation, and termination of designation of contracting officers.

§ 6–1.404–2 Designation.

(a) Unless otherwise limited in this subpart, contracting officers named herein may designate, by delegation of authority, one or more of their subordinates engaged in procurement activities to enter into and administer contracts. Designations will be in writing and will specifically state the scope and limitations of the designee's contractual authority which must be within the scope of authority possessed by the designating contracting officer. The signed original of such delegations of authority shall be retained in the files for examination.

(b) A contracting officer may designate technically qualified personnel as his authorized representatives to assist in the administration of contracts. Such designation shall be in writing and shall define the scope and limitations of the designee's authority. The designation shall be addressed to the designee with a copy given to the contractor. An appropriate contract clause is contained in § 6–7.151–11 of this chapter.

(c) The authority described in § 6–1.402 is delegated as follows:

(1) *General delegation—Supply and Transportation Division.* (i) The authority to enter into and administer contracts for the expenditure of funds involved in the acquisition of personal property and nonpersonal services, and for the sale of personal property, is delegated to the Chief, Supply and Transportation Division.

(ii) The authority to authorize the publication of paid advertisements, notices, and proposals within the United States is delegated to the Chief, Supply and Transportation Division. This authority may not be redelegated.

(2) *Library.* The authority to enter into and administer contracts (except grants) is delegated to the Librarian, Principal Acquisition Librarian, and Chief, Technical Services, for the acquisition of newspapers, books, maps, and periodicals, and for the acquisition of publication binding and repair services whenever the acquisition of such services is authorized by the Public Printer pursuant to the provisions of section 12 of the Act of January 12, 1895, 28 Stat. 602, as amended (44 U.S.C. 14).

(3) *Office of Foreign Buildings.* The authority to enter into and administer contracts is delegated to the Director, Office of Foreign Buildings, for transactions chargeable to funds available under the Foreign Service Buildings Act, 1926, as amended, or in other appropriations made available for foreign buildings operations.

(4) *Bureau of Educational and Cultural Affairs.* The authority to enter into and administer contracts involving funds available for international educational and cultural activities is delegated to the Executive Director, the Chief, Division of Financial Management, and the Chief, Contract and Transportation Division.

(5) *Diplomatic and consular posts located outside the United States.* The authority to enter into and administer contracts for the expenditure of funds involved in the acquisition of supplies, equipment, publications, and nonpersonal services; to sell personal property; and to authorize the publication of paid advertisements, notices and proposals, is delegated to the Principal Officer, Administrative Officer and General Services Officer.

(i) This authority, with the exception of that pertaining to paid advertising, may be redelegated to employees of the Foreign Service who are citizens of the United States and, in the case of joint or consolidated administrative operations, to employees of U.S. Government agencies who are citizens of the United States.

(ii) Direct transactions with vendors within the United States shall not exceed $2,500 per transaction unless such transaction is under a contract executed by the Department of State, the General Services Administration or other U.S. Government agency.

(iii) No authority is delegated to enter into cost-reimbursement or fixed-price incentive contracts.

(6) *Language Services Division.* The authority to enter into and administer contracts (except grants) with individuals to serve as translators or interpreters and for related linguistic and escort services is delegated to the Chief, Assistant Chief and Staff Assistant.

(7) *Office of Communications.* The authority to enter into and administer contracts (except grants) for leasing wire service circuits is delegated to the Executive Officer and the Chief, Systems and Facilities Division.

(8) *Foreign Service Institute.* The authority to enter into and administer contracts for planning and conducting seminars; for guest lecturers, instructors, language tutors, area chairmen, and related professional services; and for tuition, books, and tutorial and other related training services, is delegated to the Director, Deputy Director for Management and Executive Officer.

(9) *Office of Overseas Schools.* The authority to enter into and administer contracts for the overseas schools assistance activities of the Department is delegated to the Director.

§ 6–1.404–3 Termination of designation.

(a) Designated contracting officers who relieve or succeed previously designated contracting officers will assume responsibility for the administration of contracts entered into by the previously designated contracting officers of the activity to which they are assigned.

Dated: July 11, 1968.

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

[F.R. Doc. 68–8778; Filed, July 23, 1968; 8:45 a.m.]

Chapter 12—Department of Transportation

[OST Docket No. 19]

PART 12–1—GENERAL

The purpose of this amendment is to establish the system of procurement regulations for the Department of Transportation. It consists of Subpart 12–1.0, which describes the Department's procurement system and Subpart 12–1.2, defining certain terms used in the regulations.

Future additions to and changes in the Department's procurement regulations will be issued as amendments to Chapter 12.

Since this amendment relates to Departmental management, procedures and

practices, notice and public procedure thereon is unnecessary.

This amendment is made under the authority of section 205(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(c)) and the Armed Services Procurement Act, 10 U.S.C. Chapter 137.

In consideration of the foregoing, Title 41 of the Code of Federal Regulations is amended by adding the following new Part 12–1 "General", effective July 31, 1968.

Issued in Washington, D.C., on July 16, 1968.

ALAN L. DEAN,
Assistant Secretary for Administration.

Subpart 12–1.0—Regulation System

Subpart 12–1.2—Definition of Terms

AUTHORITY: The provisions of this Subpart 12–1.0 issued under sec. 205(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(c)) and the Armed Services Procurement Act, 10 U.S.C. Chapter 137.

Subpart 12–1.0—Regulation System

§ 12–1.001 Scope of subpart.

This subpart describes the Department of Transportation Procurement Regulations in terms of establishment, authority, applicability, issuance, arrangement, implementation, and supplementation of FPR, exclusions, and deviation procedure.

§ 12–1.002 Purpose.

(a) This subpart establishes Chapter 12, Department of Transportation Procurement Regulations (DOTPR), implementing and supplementing the Federal Procurement Regulations, and states its relationship to the Federal Procurement Regulations, to Chapter 2, Federal Aviation Agency Procurement Regulations (FAPR), to Chapter 11, Coast Guard Procurement Regulations (CGPR), to procurement regulations of other administrations of the Department, and to other laws and regulations governing Department of Transportation procurement.

(b) The Federal Procurement Regulations, as implemented and supplemented by Chapter 12 (Department of Transportation Procurement Regulations), are the authorized regulations governing the procurement of supplies and services (including construction and concessions) and the procurement of real property by lease, by the Department of Transportation.

§ 12–1.003 Authority.

The Department of Transportation Procurement Regulations (DOTPR) are prescribed pursuant to the authority of the Federal Property and Administrative Services Act of 1949, chapter 137 of title 10 of the United States Code, and Department of Transportation Order 4400.3.

§ 12–1.004 Applicability.

These regulations apply to all Department of Transportation procurements made within and outside the United States, unless otherwise specified. Pursuant to delegation by the National Transportation Safety Board under section 5(m) of the Department of Transportation Act, these regulations are applicable to the procurements of the National Transportation Safety Board. Pending publication of implementing and supplementing material in this Chapter 12, procedures and regulations previously established, when not in conflict with FPR, may be used.

§ 12–1.005 Exclusions.

(a) Certain Department of Transportation procurement policies and procedures which come within the scope of this Chapter 12 nevertheless may be excluded therefrom when there is justification therefor. These exclusions may include the following categories:

(1) Subject matter which bears a security classification.

(2) Policies or procedures which are expected to be effective for a period of less than 6 months.

(3) Policies and procedures which are effective on an experimental basis for a reasonable period.

§ 12–1.006 Issuances.

§ 12–1.006–1 Code arrangement.

Department of Transportation Procurement Regulations which implement, supplement or deviate from the Federal Procurement Regulations, Chapter 1 of Title 41 of the Code of Federal Regulations, will be published as Chapter 12 of Title 41, Code of Federal Regulations.

§ 12–1.006–2 Publication.

Chapter 12 of Title 41, Code of Federal Regulations will be published in the daily issues of the FEDERAL REGISTER, in cumulated form in the Code of Federal Regulations, and in separate looseleaf form on blue paper. The looseleaf form is designed to permit interleaf into the Federal Procurement Regulations.

§ 12–1.006–3 Copies.

Copies of the Department of Transportation Procurement Regulations in the FEDERAL REGISTER and the Code of Federal Regulations form may be purchased by Federal agencies and the public, at nominal cost, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Looseleaf form copies of Chapter 12 will be distributed to Department of Transportation activities as authorized by the Director of Logistics and Procurement Policy, Office of the Secretary of Transportation.

§ 12–1.007 Arrangement.

§ 12–1.007–1 General plan.

The Department of Transportation Procurement Regulations employ the same numbering system and nomenclature used in the Federal Procurement Regulations, and conform with FEDERAL REGISTER standards approved for the FPR, except that material published in looseleaf form which is not published in Title 41, Code of Federal Regulations, will be indicated by the letters "DOT" preceding and following the material.

§ 12–1.007–2 Numbering.

(a) Chapter 12 has been allocated to the Department of Transportation for implementing and supplementing Chapter 1 of Title 41 CFR, the Federal Procurement Regulations.

(b) Where the DOTPR implements a part, subpart, section, or subsection of the FPR, the implementing part, subpart, section, or subsection of DOTPR will be numbered (and captioned) to correspond to the part, subpart, section, or subsection of Chapter 1, Title 41 CFR, the FPR.

(c) Where the DOTPR supplements the FPR, the Nos. 50 and up will be assigned to the parts, subparts, or sections involved.

(d) Where the subject matter contained in a part, subpart, section, or subsection of FPR requires no implementation, the DOTPR will contain no corresponding part, subpart, section, or subsection number and the subject matter as published in the FPR governs.

§ 12–1.007–3 Citation.

Department of Transportation Procurement Regulations will be cited in accordance with FEDERAL REGISTER standards approved for the FPR. For example, this section, when referred to in divisions of the Department of Transportation Procurement Regulations, may be cited as "§ 12–1.007–3". However, when this section is referred to formally in official documents, such as legal briefs, it should be cited as "41 CFR 12–1.007–3". Any section of the Department of Transportation Procurement Regulations may be informally identified, for purpose of brevity, as DOTPR followed by the section number, i.e., "DOTPR 12–1.007–3".

§ 12–1.008 Implementation.

(a) The Department of Transportation Procurement Regulations implement and supplement the FPR. Implementing material is that which expands upon related FPR material. Supplementing material is that for which there is no counterpart in the FPR.

(b) The Department of Transportation Procurement Regulations may in turn be implemented and supplemented by regulations issued by the Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, U.S. Coast Guard, St. Lawrence Seaway Development Corporation, Office of the Secretary (OST), the National Transportation Safety Board

(NTSB), and the Urban Mass Transportation Administration.

(c) Regulations issued by the administrations, OST and NTSB will be identified in Chapter 12 by the number "12" and a letter suffix as follows:

(1) Federal Aviation Administration—12A, i.e.—12A–1.008(c).

(2) U.S. Coast Guard—12B.

(3) Federal Highway Administration—12C.

(4) Federal Railroad Administration—12D.

(5) St. Lawrence Seaway Development Corporation—12E.

(6) Office of the Secretary—12F.

(7) National Transportation Safety Board—12G.

(8) Urban Mass Transportation Administration—12H.

(d) As an interim measure, regulations issued by the Federal Aviation Administration and the Coast Guard may continue to be issued under Chapters 2 and 11 respectively.

(e) Implementing and supplementing regulations shall not unnecessarily duplicate or paraphrase the contents of the FPR or DOTPR, and shall be prepared to conform with FPR style and arrangement. Copies of all regulations implementing or supplementing the DOTPR shall be forwarded to the Director of Logistics and Procurement Policy, OST.

§ 12–1.009 Deviations.

§ 12–1.009–1 Description.

See FPR 1–1.009–1.

§ 12–1.009–2 Procedure.

In the interest of establishing and maintaining uniformity to the greatest extent feasible, deviations from the FPR and DOTPR will be authorized only when essential to effect necessary procurement or where special circumstances make such deviations clearly in the best interest of the Government. Deviations will be controlled and approved as follows:

(a) Requests for authority to deviate from the provisions of the FPR or the DOTPR shall be submitted as far in advance as the exigencies of the situation will permit. Each request for deviation shall contain the following:

(1) A clear statement of the deviation desired, including identification of the specific paragraph number(s) of the FPR or DOTPR,

(2) The reason why the deviation is considered necessary or would be in the best interests of the Government,

(3) If applicable, the name of the contractor and identification of the contract affected,

(4) A statement as to whether the deviation has been requested previously and, if so, circumstances of the previous request,

(5) A description of the intended effect of the deviation,

(6) A statement of the period of time for which the deviation is needed, and

(7) Any pertinent background information which will contribute to a full understanding of the desired deviation.

(b) Deviations from the FPR and DOTPR involving a single contract or procurement may be authorized by the administrator of each administration and the Chairman, National Transportation Safety Board, with the power of redelegation. For procurements processed within the Office of the Secretary deviations may be authorized by the Assistant Secretary for Administration, with the power of redelegation. A copy of each authorized deviation will be forwarded to the Director of Logistics and Procurement Policy.

(c) Requests for deviations from the FPR or DOTPR affecting more than one contract or contractor shall be forwarded to the Assistant Secretary for Administration, and shall be accompanied by an appropriate supporting statement. Requests involving deviations from the FPR will be considered jointly by the Department and the General Services Administration unless, in the judgment of the Assistant Secretary for Administration, after due consideration of the objective of uniformity and program responsibilities of the Department, circumstances preclude such joint effort. In such cases, the Assistant Secretary for Administration will approve such class deviations as he determines necessary and will appropriately notify the General Services Administration.

Subpart 12–1.2—Definition of Terms

§ 12–1.204 Head of the agency.

"Head of the agency" means the Secretary and the following assistant chief officials: the Under Secretary; the Assistant Secretary for Administration; and for procurements within their administrations, the Administrators of the Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, Urban Mass Transportation Administration, and St. Lawrence Seaway Development Corporation, the Commandant, U.S. Coast Guard, and the Chairman, National Transportation Safety Board.

§ 12–1.206 Head of the procuring activity.

Each administration will specify, in its implementing regulations, those positions which are designated as heads of procuring activities.

§ 12–1.250 Administration.

"Administration" means the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the Urban Mass Transportation Administration, the U.S. Coast Guard, the St. Lawrence Seaway Development Corporation, and the National Transportation Safety Board.

§ 12–1.251 Procurement office.

"Procurement Office" means an office with a designated contracting officer with authority to enter into contracts over $2,500 in value.

§ 12–1.252 Change order.

"Change order" means a unilateral written order signed by the contracting officer, and issued to a contractor pursuant to the Changes clause of the contract.

§ 12–1.253 Supplemental agreement.

"Supplemental agreement" means any contract modification or contract amendment, which is accomplished by mutual action of the parties.

[F.R. Doc. 68–8785; Filed, July 23, 1968; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18125; FCC 68–737]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

In the matter of amendment of § 73.202, *Table of assignments*, FM Broadcast Stations. (Camden, S.C., Brinkley, Ark., Concord, N.H., Pontiac, Ill., Du Quoin, Ill., Glasgow, Ky., Norman and Duncan, Okla., Glendive, Mont., Brandon and Sarasota, Fla., Columbia, S.C., Lynchburg, Va., Upper Sandusky and Galion, Ohio, and Altavista, Va.); Docket No. 18125; RM–1254, RM–1257, RM–1261, RM–1263, RM–1266, RM–1255, RM–1282, RM–1258, RM–1262, RM–1249, RM–1264, RM–1269, RM–1268.

1. The Commission has before it for consideration its notice of proposed rule making, FCC 68–382, issued in this proceeding on April 12, 1968, and published in the FEDERAL REGISTER on April 17, 1968 (33 F.R. 5888), proposing a number of changes in the FM Table of Assignments advanced by various interested parties. A number of comments were filed pursuant to the notice and all were considered in making the following determinations. Except as noted, the proposals were unopposed and all population figures are taken from the 1960 U.S. Census. This decision disposes of all the subject petitions, except RM–1261, Concord, N.H.; RM–1255, Glasgow, Ky.; and RM–1264, Columbia, S.C. These petitions will be considered in a further report and order in the near future.

2. RM–1254, Camden, S.C. (Kershaw County Broadcasting Co.), RM–1257, Brinkley, Ark. (Tri-County Broadcasting Co.), RM–1263, Pontiac, Ill. (Gem Radio Stations), RM–1266, Du Quoin, Ill. (Du Quoin Broadcasting Co.). In these four cases, interested parties are seeking the assignment of a first class A channel in a community, without requiring any other changes in the table. The communities range in size from 4,636 to 8,435 in population. We are of the view that the communities named merit the requested assignments and that they would serve the public interest. We are therefore assigning the proposed channels as follows:

City	*Channel No.*
Brinkley, Ark.	272A
Du Quoin, Ill.	240A
Pontiac, Ill.	276A
Camden, S.C.	232A

3. *RM–1258, Norman and Duncan, Okla.* On February 19, 1968, the University of Oklahoma, licensee of Radio Station WNAD (AM), filed a petition requesting rule making looking toward the assignment of a first FM channel to Norman, Okla., by making a change in the assignment to Duncan, Okla., as follows:

City	Channel No.	
	Present	Proposed
Norman, Okla.		292A
Duncan, Okla.	293	244A or 272A

Norman has a population of 33,412 persons. While it has a Class IV AM station and a daytime-only station licensed to petitioner, it has no commercial FM assignments. Duncan, in which petitioner proposes one or more Class A assignments, in lieu of the present Class C assignment, has a population of 20,009. It has a Class IV AM station in operation.

4. Petitioner submits that Norman needs a first commercial FM assignment since it is the county seat and largest community in Cleveland County (population 47,600) and since it is the home of the University of Oklahoma and the area's center "for commercial, educational, social and cultural life". The University states that it will seek to estabish a first local commercial FM station to serve the needs of the entire community as well as those of the student body and faculty of the University. It asserts that none of the nearby Oklahoma City stations (about 18 miles) provide a broadcast service featuring the activities of the University and the community of Norman. While recognizing that some of these needs could be met by a noncommercial educational station, such as the former WNAD–FM,[1] petitioner urges a commercial assignment in order to make additional sources of revenue available and in order to permit students to receive practical training in all aspects of commercial broadcasting. Petitioner also submits an engineering showing to indicate that the proposed assignment of Channel 292A to Norman would not preclude assignments in any other community which is either as large as Norman or does not already have FM assignments. A similar showing is made with respect to Channel 244A and Channel 272A at Duncan.

5. We are of the view that the petitioner's proposal to assign Channel 292A to Norman by the change required at Duncan would serve the public interest and should be adopted. In view of the present lack of apparent interest in activating an FM channel at Duncan, we are assigning only one Class A as a replacement for the Class C channel being removed. Assignment of an additional channel at Duncan will be considered at a later time if warranted by an indicated interest in the future. We are therefore assigning Channel 292A to Norman, Okla., and substituting Channel 272A for Channel 293 at Duncan, Okla.

6. *RM–1262, Glendive, Mont.* In a petition filed on February 28, 1968, Christian Enterprises, Inc., licensee of Radio Station KGLE (AM), Glendive, Mont., requests the addition of Channel 243 to Glendive, Mont., as follows:

City	Channel No.	
	Present	Proposed
Glendive, Mont.	232A	232A, 243

Glendive, located in the east central portion of Montana, has a population of 7,058, and its county has a population of 12,314. It is presently served by two AM stations, the daytime-only station licensed to petitioner, and a Class IV station. No applications have been filed for the Class A channel available to it.

7. Petitioner states that Glendive is the trade center for many smaller towns within a radius of 50 miles and that the principal industry is farming and ranching. Due to the limited AM coverage of the stations in the community and others, petitioner claims there is a large area without radio service at night including many towns such as Circle, Terry, Fallon, and Brockway. Finally, it is asserted that in the event the Class C assignment is made to Glendive, petitioner will file an application specifying a minimum power of 50 kw.

8. Normally, a community the size of Glendive would be assigned a Class A channel, as was done here originally. However, in view of the large nighttime "white area" which would be served by a Class C channel, we are of the view that a departure from our policy in this respect is warranted here. We believe, therefore, that assignment of Channel 243 to Glendive will serve the public interest. In further consideration of the size of the community and the apparent lack of interest to date in Channel 232A presently assigned there, we are also of the opinion that it should be removed. In consideration of the above, we are amending the table by substituting Channel 243 for Channel 232A at Glendive, Mont.

9. *RM–1249; Brandon and Sarasota, Fla.* A petition was filed January 31, 1968, and amended February 27, 1968, by Albert B. Gale, prospective applicant for a new FM station in Brandon, looking toward the removal of one of the Class A channels from Sarasota and its assignment to Brandon as follows:

City	Channel No.	
	Present	Proposed
Brandon, Fla.		292A
Sarasota, Fla.	273, 288A, 292A	273, 288A

Brandon, Fla., is a small community of 1,665 persons located about 10 miles east of Tampa and within the Tampa-St. Petersburg SMSA. It has no radio station. Sarasota, about 40 miles south of Tampa, has a population of 34,083. It has one Class C station in operation, and two Class A assignments, one of which is in operation. In addition it has four AM stations, one regional unlimited time, one Class IV, and two daytime-only stations.

10. Since Station WSPB–FM operates on Channel 292A at Sarasota and Channel 288A is unoccupied there, petitioner also requests that we order the licensee of this station to show cause why its authorization should not be modified to specify operation on Channel 288A in lieu of 292A. Gale further states that he will bear any expense involved in the proposed change.

11. Petitioner submits that Brandon is a separate community from Tampa with its own city government, etc. It is stated that it is one of the fastest growing communities in Florida and that the Brandon Chamber of Commerce estimates it to have a present population of from 9,000 to 10,000 persons. As evidence of the need for a first radio outlet in the community, Gale attaches a number of letters from civic, business, and religious leaders in the community testifying to the need for such a local outlet. In response to the showing requested in the May 12, 1967, public notice concerning additional FM assignments, Gale submits an engineering statement which concludes that the proposed shift of Channel 292A from Sarasota to Brandon would not preclude future needed assignments due to exisitng stations and assignments in the general area, as far as channels other than 292A are concerned.

12. We pointed out in our notice that while it is true that the move of Channel 292A from Sarasota to Brandon would not preclude any areas from the use of all the six adjacent channels, if Channel 292A is deleted from Sarasota and not assigned to Brandon it could be used in a number of larger communities identified as being without an FM assignment.[2] We also stated that our decision in this case would not be limited to a determination of whether or not Channel 292A should be moved to Brandon alone. However, in view of the decision being reached below, we need not make a determination on this aspect of the proposal.

13. Comments by Worth Communications, Inc., licensee of Station WSPB–FM, Sarasota, were filed stating that it is not opposed to the proposed amendment of the table provided (1) any permittee of Channel 292A at Brandon shall be required to reimburse WSPB–FM for reasonable expenses in effecting a change in frequency from Channel 292A to 288A, and (2) that determination of such costs be by agreement between the parties. Worth estimates such costs, excluding

[1] At the request of the petitioner, its license for Educational Station WNAD–FM, Norman, Okla., was canceled on Mar. 12, 1968.

[2] Included among the communities without FM assignments where Channel 292A could be assigned are: Bartow (12,849), Avon Park (6,073), Fort Meade (4,014), Wauchula (3,411), and Mulberry (2,922). In addition, there are larger communities within 10 miles of Sarasota where Channel 292A could be used without the need of rule making under the provisions of section 73.203(b) of the rules.

legal and engineering expenses, would be at least $5,464.

14. Upon further study of the petitioner's proposal that Station WSPB–FM be ordered to change its channel from 292A to 288A, it has been determined that the transmitter site employed by WSPB–FM would not meet the cochannel spacing requirements of section 73.207 of the rules with the reference point for Channel 288A assigned to New Port Richey, Fla. Since the proposed change for WSPB–FM to operate on Channel 288A would not conform to the rules, and since the principal objective of the petition to assign Channel 292A to Brandon is necessarily dependent upon such change, we find that the proposal to assign Channel 292A to Brandon is not technically feasible. The petition is therefore denied.

15. *RM–1268, Upper Sandusky and Galion, Ohio.* Wyandot Broadcasting Co., prospective applicant for a new FM station in Upper Sandusky, Ohio, in a petition filed on March 8, 1968, requests the assignment of Channel 240A to Upper Sandusky, Ohio, by substituting Channel 272A for 240A at Galion, as follows:

City	Channel No.	
	Present	Proposed
Galion, Ohio	240A	272A
Upper Sandusky, Ohio		240A

Upper Sandusky, the county seat and largest community in Wyandot County, has a population of 4,941 and the county has 21,648. It has no radio station. Petitioner states that it needs a first broadcast outlet in view of the civic, business, and organizational activities of the community. There is no application pending for the present Galion assignment and petitioner urges that the proposal would have no adverse effect on future needed assignments elsewhere.

16. We are of the opinion that the above proposal is in the public interest and should be adopted. It would permit a first aural outlet for the community of Upper Sandusky and the switch in channels at Galion would not affect any existing station or pending application. We are, therefore, assigning Channel 240A to Upper Sandusky and substituting Channel 272A for 240A at Galion.

17. *RM–1269 and 1282, Lynchburg and Altavista, Va.* In response to two conflicting petitions requesting assignment of a Class A channel to Lynchburg and Altavista, Va., filed respectively by Griffith Broadcasting Corp., licensee of Station WLLL (AM), Lynchburg, and Altavista Broadcasting Co., licensee of Station WKDE (AM), Altavista, we invited comments on the following proposed assignments:

City	Channel No.	
	Present	Proposed
Altavista, Va		296A
Lynchburg, Va	261A, 269A	261A, 269A, 296A

The requests are mutually exclusive, since the two communities are only about 20 miles apart, whereas the required minimum cochannel separation requirement for Channel 269A is 65 miles.

18. Lynchburg has a population of 54,790 and its SMSA has a population of 110,701. The two Class A FM channels are in operation in Lynchburg, as are two unlimited-time AM stations and three daytime-only stations. Griffith urges assignment of a third Class A channel in view of the fact that Lynchburg is a metropolitan area and particularly because it has not received any Class C assignments. The petitioner further comments that it is anxious to broaden its service to the community beyond the limitations imposed upon its daytime-only AM operation, and says an application will be filed for the channel if its proposal is adopted.

19. Altavista has a population of 3,299. It has one daytime-only station, which is licensed to petitioner. Altavista urges that the requested assignment would provide the city with its first local nighttime transmission facility and that when such assignment becomes available it intends to promptly file an application to establish an FM station in the community.

20. Both petitioners have demonstrated with supporting engineering showings that Channel 296A would be technically feasible in either one or the other of their respective communities. Griffith's original engineering showing indicated that no areas would be precluded on any of the pertinent six adjacent channels by the assignment of Channel 296A to Lynchburg. In response to our invitation for comments on a further showing of preclusion area for Channel 296A, Griffith reveals that an extensive area, entirely contained within Virginia, would be involved, and several communities having populations greater than 2,500 are identified in the area as not having an FM assignment. These communities are Altavista (3,299), Bedford (5,921), Buena Vista (6,300), and Waynesboro (15,694).[3] In order to resolve the conflicting proposals for Channel 296A and to provide for the above-noted precluded communities, Griffith submitted an additional engineering study describing two alternate plans. Plan I is designed to accommodate only Altavista and Lynchburg. Plan II would, in addition, provide assignments for the above-noted precluded communities of Bedford and Buena Vista.[4] The alternate plans are as follows:

PLAN I

City	Channel No.	
	Present	Proposed
Altavista, Va		296A
Lynchburg, Va	261A, 269A	261A, 288A, 269A

PLAN II

City	Channel No.	
	Present	Proposed
Altavista, Va		288A
Bedford, Va		296A
Lexington-Buena Vista, Va	[4] 252A	[4] 244A
Lynchburg, Va	261A, 269A	252A, 261A, 269A

21. Comments in opposition to the Griffith petition to add a third Class A channel to Lynchburg were filed in a letter by Mr. L. John Denny, president of Rulon Maynard Corp., licensee of Stations WDMS (AM) and WDMS–FM, both in Lynchburg. Mr. Denny contends that a third FM channel for Lynchburg would result in an oversaturation of FM signals in Lynchburg as already exists for AM and urges that six FM signals available in the area are adequate to serve the needs of the community. Except for the two Lynchburg FM channels, the FM signals alleged as being available to Lynchburg are not identified. It is argued that a third channel would impose additional economic hardships on WDMS (AM/FM) as well as other stations operating in the area.

22. We have carefully considered all the comments submitted in this proceeding and are of the opinion that the communities of Altavista and Lynchburg each warrant the assignment of a Class A channel. In the case of Lynchburg, the assignment of a third FM channel would conform to the criterion used in setting up the FM Table for a city its size and would provide another source for nighttime programing. As to the economic injury argument of WDMS (AM/FM), we are not convinced that the additional assignment to Lynchburg would adversely affect the public interest. With respect to Altavista, the assignment would provide that community with its first local FM and nighttime outlet. Regarding the assignment of specific channels, we are concerned that the proposed assignment of Channel 296A to either community would result in a significant impact over an extensive area and preclude future availability of the channel to communities of fair size not having any FM assignment. We are, therefore, withholding assignment of Channel 296A at this time and instead will draw upon a limited portion of alternate Plan II outlined above. It appears that assignment of Channel 244A to Lynchburg would have the least preclusive impact of any of the available channels and would avoid the need to disturb the Lexington assignment at this time. Accordingly, we are assigning

[3] Channel 244A was deleted from Waynesboro by report and order dated Feb. 15, 1967, Docket No. 16991, FCC 67–277, pursuant to announced Commission intention to delete all unoccupied TV and FM channels assigned to communities located within the "quiet zone."

[4] Griffith points out that a channel assigned to Lexington would also be available to Buena Vista without further rule making, since the communities are only 6 miles apart.

Channel 244A to Lynchburg.[5] For similar reasons of minimizing effects of preclusion, we are assigning Channel 288A to Altavista. This arrangement will preserve availability of other channels to the precluded communities previously discussed if and when a future need develops.

23. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

24. In accordance with the foregoing determinations: *It is ordered,* That effective August 30, 1968, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
Arkansas:	
Brinkley	272A
Illinois:	
DuQuoin	240A
Pontiac	276A
Montana:	
Glendive	243
Ohio:	
Galion	272A
Upper Sandusky	240A
Oklahoma:	
Duncan	272A
Norman	292A
South Carolina:	
Camden	232A
Virginia:	
Altavista	288A
Lynchburg	244A, 261A, 269A

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: July 17, 1968.

Released: July 19, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8791; Filed, July 23, 1968; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Clear Lake National Wildlife Refuge, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

CALIFORNIA

CLEAR LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Clear Lake National Wildlife Refuge, Calif., is permitted only on the area designated by signs as open to hunting, and is delineated on a map available at the refuge headquarters, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting of big game is permitted during the period August 24 through September 2, 1968, in accordance with all applicable State regulations subject to the following special conditions:

(a) Species permitted to be taken: Antelope.

(b) Other provisions:

1. The provisions of this special regulation supplement regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area.

3. The provisions of this special regulation are effective through September 2, 1968.

TRAVIS S. ROBERTS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 16, 1968.

[F.R. Doc. 68-8775; Filed, July 23, 1968; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 21,970]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Notice and Certificate Accounts

JULY 19, 1968.

Resolved That the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending Part 526 of the regulations for the Federal Home Loan Bank System, relating to limitations on rate of return, to define the term "notice account", to provide the rates of return payable on notice accounts, and to adjust the rates of return payable on certificate accounts during certain periods of time, and for the purpose of effecting such amendments, hereby amends the regulations for the Federal Home Loan Bank System (12 CFR Part 526) as follows, effective July 22, 1968:

1. In § 526.1, paragraph (b) is revised and (g) is added, reading as follows:

§ 526.1 Definitions.

* * * * *

(b) *Regular account.* The term "regular account" means any form of withdrawable account that is not a certificate account or a notice account.

* * * * *

(g) *Notice account.* The term "notice account" means any form of withdrawable account evidenced by an account book containing a requirement that the holder of the account will give the member institution written notice of at least 90 days prior to making each withdrawal from such account, except as otherwise provided in this paragraph. The member institution may provide that such notice prior to withdrawal will not be required at the end of a distribution period or within 10 days thereafter in connection with the withdrawal of funds which have remained in such account for at least 90 days. In an emergency where it is necessary to prevent great hardship to the holder of such an account, a member institution may pay without such notice such account or the portion thereof necessary to meet such emergency: *Provided,* That before making such payment the holder of such account shall sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be approved by an officer of the member institution who shall certify that, to the best of his knowledge and belief, the statements in such application are true. Where an emergency withdrawal from such an account is paid, the holder of such account shall not be entitled to receive accrued and unpaid earnings for the period of time the funds remained in the member institution since the last date as of which the member institution regularly distributed earnings on its savings accounts.

2. In § 526.4, paragraphs (b) and (d) are revised to read as follows:

§ 526.4 Maximum rate of return payable on certificate accounts.

* * * * *

(b) *Institutions paying more than 4.75 percent on regular accounts or notice accounts.* (1) During a distribution period with respect to which a member institution has an announced rate of return in excess of 4.75 percent per annum on regular accounts, it may not pay a rate of return on certificate accounts in excess of 5 percent per annum, except as otherwise herein provided.

(2) During any 3-month period beginning on the first day of any distribution period and during any 3-month period ending on the last day of any distribution period with respect to which a member institution has an announced rate of return in excess of 4.75 percent per annum on any notice account to be issued during any such period, it may not announce or pay a rate of return on any certificate account issued during any such period in excess of 5 percent per annum (not including any deferred return or bonus applicable to a period of at least 3 years).

* * * * *

(d) *Amount Limitation.* A member institution may not advertise or pay a rate of return, higher than the maximum rate prescribed for regular accounts, on notice accounts and certificate accounts issued at a time when the total of notice

[5] Use of Channel 244A will require a site about 2 miles NNE of Lynchburg in order to conform to the required spacing with WMVA-FM, Channel 241, Martinsville, Va.

accounts and certificate accounts receiving a rate of return (including any deferred return or bonus applicable to a period of less than 3 years) higher than the maximum rate prescribed for regular accounts exceeds 50 percent of total withdrawable accounts.

3. New § 526.5 is added to read as follows:

§ 526.5 Maximum rate of return payable on notice accounts.

(a) *Maximum rate of 4.75 percent.* No member institution shall pay a return on notice accounts at a rate in excess of 4.75 percent per annum, except as otherwise herein provided.

(b) *Institutions at higher rates.* (1) A member institution whose home office is located in a Standard Metropolitan Statistical Area, or country not in such area, in which the regional Federal Home Loan Bank has determined that a mutual savings bank having an office located therein has an announced rate of return in excess of 4.75 percent per annum on accounts which such Bank considers to be similar to notice accounts may pay a return on notice accounts at a rate not in excess of 5 percent per annum, except as otherwise herein provided.

(2) During any 3-month period beginning on the first day of any distribution period and during any 3-month period ending on the last day of any distribution period with respect to which a member institution has an announced rate of return in excess of 5 percent per annum (not including any deferred return or bonus applicable to a period of at least 3 years) on any certificate account to be issued during any such period, it may not announce or pay a rate of return on any notice account issued during any such period in excess of 4.75 percent per annum.

(c) *Amount limitation.* A member institution may not advertise or pay a rate of return, higher than the maximum rate prescribed for regular accounts, on notice accounts issued at a time when the total of notice accounts and certificate accounts receiving a rate of return (including any deferred return or bonus applicable to a period of less than 3 years) higher than the maximum rate prescribed for regular accounts exceeds 50 percent of total withdrawable accounts.

* * * * *

(Sec. 4, 80 Stat. 823; 12 U.S.C. 1425b)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest for the additional authorities granted in these amendments to become effective without delay, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendments for the period specified in § 508.14 of the General Regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 68-8912; Filed, July 23, 1968; 8:49 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 21,960]

PART 541—DEFINITIONS

Federal Association

JULY 18, 1968.

Resolved that, notice and public procedure having been duly afforded (33 F.R. 8678) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and for the purpose of including building and loan and savings and loan associations organized or incorporated under or pursuant to the laws of the District of Columbia in the definition of "Federal association" to apply certain portions of the rules and regulations for the Federal Savings and Loan System to such associations, hereby amends § 541.2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 541.2) to read as follows, effective August 24, 1968:

§ 541.2 Federal association.

The term "Federal association" means a Federal savings and loan association chartered by the Board as provided in section 5 of the Home Owners' Loan Act of 1933, as amended. As used in §§ 546.1, 546.2, 546.3, and 546.4 of Part 546, and in Parts 547, 548, 549, and 550 of this subchapter, the term "Federal association" also includes any incorporated or unincorporated building, building or loan, building and loan, savings and loan, or homestead association, which has been organized or incorporated under or pursuant to the laws of the District of Columbia.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 68-8824; Filed, July 23, 1968; 8:49 a.m.]

[No. 21,966]

PART 541—DEFINITIONS
PART 545—OPERATIONS

Definitions of "Single-Family Dwelling" and "Other Improved Real Estate" and Loans by Federal Savings and Loan Associations

JULY 18, 1968.

Whereas, by Resolution No. 21,667, dated May 9, 1968, and duly published in the FEDERAL REGISTER on May 16, 1968 (33 F.R. 7261), this Board proposed to amend Part 541 and Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR 541 and 545, respectively), the substance of which proposal was set out in said publication; and

Whereas, all relevant material presented or available having been considered by it;

Now, therefore, be it resolved, that this Board hereby determines to adopt the amendments, as proposed, without change, effective August 24, 1968.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

1. Revise § 541.10 of the rules and regulations for the Federal Savings and Loan System to read as follows:

§ 541.10 *Single-family dwelling.*

The term "single-family dwelling" means a structure designed for residential use by one family, or a unit designed for residential use by one family, the owner of which unit owns an undivided interest in the underlying real estate. The term also includes property, owned in common with others, which is necessary or contributes to the use and enjoyment of such a structure or unit.

2. Revise § 541.12 of the rules and regulations for the Federal Savings and Loan System to read as follows:

§ 541.12 Other improved real estate.

The term "other improved real estate" means either:

(a) Real estate other than that defined in § 541.10, § 541.10–1, § 541.10–2, § 541.10–3, § 541.11, or § 541.11–1 improved by (1) a permanent structure or structures having a value of at least 25 percent of the value of the real estate as a whole, or (2) improvements which render the real estate usable by a business or industrial enterprise; or

(b) Building lots or sites which, by reason of installations and improvements that have been completed in keeping with applicable governmental requirements and with general practice in the community, are building lots or sites ready for the construction on each such building lot or site of a structure designed for residential use for one family.

§ 545.6–1 [Amended]

3. Amend subdivision (ii) of subparagraph (3) of paragraph (a) of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System to read as follows:

(ii) If such loan is made for the purpose of construction, 80 percent of the value and for a term of not more than 18 months without regard to any requirement of this part for amortization of principal prior to the end of the term.

4. Amend subdivision (ii) of subparagraph (4) of paragraph (a) of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System to read as follows:

(ii) The loan is made upon the security of a first lien upon a single-family dwelling which is not in a multiple unit structure other than a structure in which each unit is situated on the ground. The amount by which such a loan exceeds 80 percent of the value of the improved real estate shall not be disbursed until construction has been completed, and, if such single-family dwelling is being constructed for sale, until the property has been sold and title has been conveyed to a purchaser who has executed an agreement with the association assuming and agreeing to pay the loan;

5. Amend subdivision (ii) of subparagraph (3) of paragraph (b) of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System to read as follows:

(ii) If such loan is made for the purpose of construction, 75 percent of the value and for a term of not more than 24 months without regard to any requirement of this part for amortization of principal prior to the end of the term.

6. Add a new subparagraph (5) to paragraph (c) of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System to read as follows:

(5) A loan made for the purpose of construction may be made in an amount not exceeding 70 percent of the value of such real estate and for a term of not more than 24 months without regard to any requirement of this part for amortization of principal prior to the end of the term but with interest payable at least semiannually.

7. Amend § 545.6–12 of the rules and regulations for the Federal Savings and Loan System to read as follows:

§ 545.6–12 Loan payments.

(a) *Payments on monthly installment loans.* Payments on all monthly installment loans, other than construction loans, insured loans, and guaranteed loans, shall begin not later than 60 days after the advance of the loan. Insured loans and guaranteed loans may be repayable upon terms acceptable to the insuring or guaranteeing agency. The Board hereby approves for use by any Federal association a loan plan whereby payments on any monthly installment loan which includes construction may begin not later than 24 months after the date of the first advance, but not later than 18 months if the loan is secured by real estate consisting solely of one or more homes or combinations of home and business property; interest shall be payable at least semiannually until regular periodic payments become due.

(b) *Loan payments and prepayments.* Payments on the principal indebtedness of all loans on real estate security shall be applied direct to the reduction of such indebtedness, but prepayments made on an installment loan may be reapplied from time to time in whole or in part by a Federal association to offset payments which subsequently accrue under the loan contract. Borrowers from Federal associations shall have the right to prepay their loans without penalty unless the loan contract makes express provision for a prepayment penalty. The prepayment penalty for a loan secured by a home or combination of home and business property shall not be more than 6 months' advance interest on that part of the aggregate amount of all prepayments made on such loan in any 12-month period which exceeds 20 percent of the original principal amount of the loan.

§ 545.6–14 [Amended]

8. Revoke paragraph (d) of § 545.6–14 of the rules and regulations for the Federal Savings and Loan System.

9. Reletter paragraphs (e) and (f) of § 545.6–14 of the rules and regulations for the Federal Savings and Loan System as paragraphs (d) and (e) respectively.

[F.R. Doc. 68–8825; Filed, July 23, 1968; 8:49 a.m.]

[No. 21,969]

PART 544—CHARTER AND BYLAWS

PART 545—OPERATIONS

Notice Accounts

JULY 19, 1968.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend Parts 544 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 544 and 545) for the following purposes:

(1) To authorize certain Federal savings and loan associations to amend their charters to provide for issuing savings accounts upon which withdrawals are subject to requirements of rules and regulations made by the Federal Home Loan Bank Board.

(2) To permit a Federal savings and loan association which has amended its charter in accordance with (1) above to authorize the payment of earnings higher than the regular rate on an account evidenced by a notice-account book containing a requirement that the holder of such account must give at least 90 days written notice prior to making withdrawals except (a) to meet emergencies or (b) at the end of a dividend period (with 10 days grace) if the funds have been in the account for at least 90 days.

(3) To provide that distribution of earnings on notice accounts will be made at the applicable rate higher than the regular rate on each regular distribution date.

(4) To provide that the issuance of notice accounts shall be discontinued during any period of time in which the total of a Federal savings and loan association's notice and certificate accounts exceeds 50 percent of its total capital.

Resolved further that, for such purpose, § 544.8 of said Part 544 of the rules and regulations for the Federal Savings and Loan System (12 CFR 544.8) is hereby amended to read as follows, effective July 22, 1968:

§ 544.8 Amendment of Charter.

(a) *Amendment of Charter K.* The provisions of this paragraph shall constitute the approval by the Board of the proposal by the board of directors of any Federal association that has a Charter K of the following amendments to said Federal association's charter: *Provided,* That such Federal association follows the requirements of section 16 of its charter in adopting such amendments: Amendment of the 10th sentence of section 9 by striking the period at the end thereof and adding: ": *Provided further,* That the association may provide for bonus payments in accordance with section 10 hereof."; together with the amendment of section 10 to read as follows: "10. *Payment of bonus on share accounts.* The association may pay a bonus upon its share accounts as authorized by regulations made by the Federal Home Loan Bank Board."

(b) *Amendment of Charter N or Charter K (rev.).* The provisions of this paragraph shall constitute the approval by the Board of the proposal by the board of directors of any Federal association that has a Charter N or Charter K (rev.) of the following amendment to said Federal association's charter: *Provided,* That such Federal association follows the requirements of section 11 of its charter in adopting such amendment: Amendment of section 6 by adding the following as the first sentence after the section title "Withdrawals": "Each withdrawal from a savings account shall be governed by this section except to the extent that a member's account book or other written evidence of the member's savings account contains additional requirements in accordance with regulations made by the Federal Home Loan Bank Board."

Resolved further that, for such purposes, said Part 545 is hereby amended by amendments as follows, effective July 22, 1968:

1. Amend paragraphs (b), (d) (1) and (2), (e), and (h) of § 545.3–1 of the rules and regulations for the Federal Savings and Loan System to read as follows, and revoke (d) (8) of § 545.3–1, as follows:

§ 545.3–1 Distribution of earnings at variable rates.

* * * * *

(b) *Eligibility requirements.* The board of directors may, by resolution, provide for the distribution of earnings at a rate or rates higher than the regular rate only on savings accounts which meet the minimum requirements fixed by the board of directors pursuant to subparagraphs (1), (2), and (3) of this paragraph and such additional requirements as the board of directors may impose, except that the board of directors shall not authorize the issuance of accounts evidenced by notice-account books pursuant to subparagraph (2) of this paragraph unless the association's charter contains the sentence specified in paragraph (b) of § 544.8 of Part 544 of this Chapter V.

(1) *Accounts evidenced by account books other than notice-account books.* For any dividend period for which the regular rate is less than the applicable maximum rate of return prescribed for regular accounts in Part 526 of Subchapter B of this Chapter V, a savings account which is evidenced by an account book other than a notice-account book and is maintained at not less than $1,000 for a continuous period of not less than 12 months may receive earnings at a rate higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for regular accounts in Part 526 of Subchapter B of this Chapter V.

(2) *Accounts evidenced by notice-account books.* For any dividend period for which the regular rate is less than the applicable maximum rate of return prescribed for notice accounts in Part 526 of Subchapter B of this Chapter V, a savings account which is evidenced by a notice-account book containing a requirement that the holder of the account give the Federal association written notice of at least 90 days prior to making each withdrawal from such account, except as otherwise provided in this subparagraph (2), may receive earnings at a rate higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for notice accounts in Part 526 of Subchapter B of this Chapter V. No Federal association shall pay any withdrawal from an account evidenced by a notice-account book until the required notice has been given and the required notice period thereafter has expired, except as otherwise provided in this subparagraph (2). The Federal association may provide that such notice prior to withdrawal will not be required at the end of a dividend period or within 10 days thereafter in connection with the withdrawal of funds which have remained in such account for at least 90 days. In an emergency where it is necessary to prevent great hardship to the holder of such an account, a Federal association may pay without such notice such account or the portion thereof necessary to meet such emergency: *Provided,* That before making such payment the holder of such account shall sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the withdrawal, which application shall be approved by an officer of the association who shall certify that, to the best of his knowledge and belief, the statements in such application are true. Where an emergency withdrawal from such an account is paid, the holder of such account shall not be entitled to receive accrued and unpaid earnings for the period of time the funds remained in the association since the last date as of which the association regularly distributed earnings on its savings accounts.

(3) *Accounts evidenced by separate certificates.* A savings account which is evidenced by a separate certificate, as provided in paragraph (c) of this section, issued and dated on or after the date of such resolution, may receive earnings on the amount of such certificate at a rate higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for certificate accounts in Part 526 of Subchapter B of this Chapter V, if such account is maintained at not less than $1,000 for a continuous period of not less than 6 months, nor more than 12 months, commencing on the date of such certificate. If such savings account is evidenced by more than one separate certificate, the provisions of this subparagraph (3) shall be as fully applicable to each such certificate as if each such certificate evidenced a separate savings account.

* * * * *

(d) *Time and manner of distributing earnings.* (1) As to an account issued under this section which is evidenced either by an account book other than a notice-account book, or by a certificate issued in accordance with paragraph (c) other than a certificate containing the fourth sentence of the quoted language set forth in subparagraph (1) of paragraph (c) or containing the optional language authorized by subdivision (i) of subparagraph (3) of paragraph (c), earnings at the regular rate shall be distributed on each such savings account at each date as of which the Federal association regularly distributes earnings on its savings accounts.

(2) As to an account issued under this section which is evidenced by a notice-account book, earnings at the applicable rate higher than the regular rate shall be distributed on each such savings account at each date as of which the Federal association regularly distributes earnings on its savings accounts. As to an account issued under this section which is evidenced by a certificate containing the fourth sentence of the quoted language set forth in subparagraph (1) of paragraph (c), no earnings shall be distributed until the account has met the applicable eligibility requirements fixed pursuant to paragraph (b) unless part or all of the account is withdrawn prior to meeting such eligibility requirements; and in the event of such withdrawal, the board of directors may provide that the funds withdrawn shall receive a percentage of the regular rate of earnings which percentage may vary according to the length of time the funds remain in the account, but shall be less than 100 but not less than 50 percent of the regular rate of earnings distributable on accounts evidenced by an account book other than a notice-account book. As to an account issued under this section which is evidenced by a certificate containing either of the optional sentences quoted in subdivision (i) of subparagraph (3) of paragraph (c), earnings shall be distributed as provided in the certificate evidencing such account.

* * * * *

(8) [Revoked]

* * * * *

(e) *Exchange of accounts.* Such part of any savings account as is not less than the minimum amount fixed pursuant to subparagraph (3) of paragraph (b) of this section may, upon request by the holder of such account, be exchanged for one or more separate certificates issued pursuant to and in accordance with paragraphs (b) and (c) of this section; and the association may, either at the time of such exchange or at the next date as of which it regularly distributes earnings, distribute any undistributed earnings and any applicable bonus on the savings account, or part thereof, so exchanged.

* * * * *

(h) *Limitation on issuance of notice-account books and certificates.* No Federal association may issue any account evidenced by a notice-account book or a certificate pursuant to this section at any time when the total of its savings accounts evidenced by such notice-account books and such certificates exceeds 50 percent of the association's total capital.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948, Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest for the additional authorities granted in these amendments to become effective without delay, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendments for the period specified in § 508.14 of the General Regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68-8913; Filed, July 23, 1968; 8:49 a.m.]

[No. 21,968]

PART 545—OPERATIONS

Liquidity

JULY 19, 1968.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 545.8–2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8–2) for the purpose of reducing from 7 percent to 6½ percent the required amount of cash and obligations of the United States that Federal savings and loan associations must have on hand in order to be entitled to make certain loans and, for such purpose, said § 545.8–2 is hereby amended to read as follows, effective August 1, 1968:

§ 545.8–2 Cash and Government obligations.

A Federal association shall not make or purchase any loan, other than advances on the sole security of its savings accounts, at any time when its cash and obligations of the United States are not at least equal to 6½ percent of the association's capital. For the purposes of this section:

(a) A loan shall be deemed to have been made as of the date of the note or bond evidencing the same, and a loan shall be deemed to have been purchased as of the date of payment therefor;

(b) The term "cash" means cash on hand, unpledged deposits in a Federal Home Loan Bank or State bank performing similar reserve functions, and unpledged demand deposits in domestic banks, not under the control or in the possession of appropriate supervisorv authority.

(c) The term "obligations of the United States" means all unpledged evidences of indebtedness issued by the United States and all unpledged evidences of indebtedness issued by any agency or instrumentality of the United States which are by statute fully guaranteed as to principal and interest by the United States.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948, Comp., p. 1071)

Resolved further that, since the Board determines it desirable in the present economic climate for Federal savings and loan associations to have available as soon as possible the latitude in the holdings of cash and obligations of the United States which is made available by this amendment, the Federal Home Loan Bank Board finds that notice and public procedure on the amendment is contrary to the public interest and, since the amendment relieves restrictions, the Board finds that publication in the FEDERAL REGISTER for not less than 30 days prior to the effective date is unnecessary, and the Board determines that the amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 68–8826; Filed, July 23, 1968; 8:49 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 21967]

PART 563—OPERATIONS

Participation Loans and Sale of Participating Interests to Other Than Insured Institutions

JULY 18, 1968.

Resolved that, notice and public procedure having been duly afforded (33 F.R. 7262 and 7263) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board hereby amends paragraph (f) of § 563.9–1 and § 563.9–2 of the rules and regulations for Insurance of Accounts (12 CFR 563.9–1(f) and 563.9–2, respectively) to read as follows, effective August 24, 1968:

§ 563.9–1 Participation loans.

* * * * *

(f) *Definitions.* As used in this section—

(1) The term "home" means real estate which is, or which from the proceeds of the loan will become, either:

(i) Real estate upon which there is located a structure or structures designed primarily for residential use for not more than four families in the aggregate; or

(ii) An individually owned unit designed for residential use for one family in a multiple-unit structure, the owner of which unit owns an undivided interest in the underlying real estate and the common elements of such structure (the term "common elements" includes supporting walls, hallways, stairways, elevators, and such other facilities as are necessary to the use and enjoyment of an individual unit).

(2) The term "other dwelling units" means real estate upon which there is located, or upon which there will become located from the proceeds of a loan, improvements which comprise or include any of the following improvements:

(i) A structure or structures designed primarily for residential use and consisting of single-family dwellings or dwelling units for more than four families in the aggregate;

(ii) A structure or structures, or parts thereof, designed or used as fraternity or sorority houses which include sleeping accommodations for students of a college or university;

(iii) A structure or structures, or parts thereof, designed or used principally for the provision of living accommodations for students, employees, or members of the staff of a college, university, or hospital.

§ 563.9–2 Sale of participating interests otherwise than to insured institutions.

Any insured institution may, to the extent it has legal power to do so, sell to any lender other than an insured institution a participating interest in any loan upon the security of real estate which is located more than 50 miles from the insured institution's principal office and outside the territory in which the insured institution was operating on June 27, 1934. Any such sale shall be made without recourse and the term "without recourse" as used in this sentence shall have the meaning set forth in § 561.8 of this chapter.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68–8827; Filed, July 23, 1968; 8:49 a.m.]

[No. 21,971]

PART 569—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Regular and Certificate Accounts

JULY 19, 1968.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending Part 569 of the rules and regulations for Insurance of Accounts, relating to limitations on rate of return, to define the term "notice account", to provide the rates of return payable on notice accounts, and to adjust the rates of return on certificate accounts during certain periods of time, and for the purpose of effecting such amendments, hereby amends Part 569 of the rules and regulations for Insurance of Accounts (12 CFR, Part 569) as follows, effective Juyy 22, 1968:

1. In § 569.1, paragraph (b) is revised and (f) is added, reading as follows:

§ 569.1 Definitions.

* * * * *

(b) *Regular account.* The term "regular account" means any form of withdrawable account that is not a certificate account or a notice account.

* * * * *

(f) *Notice account.* The term "notice account" means any form of withdrawable account evidenced by an account book containing a requirement that the holder of the account will give the insured institution written notice of at least 90 days prior to making each withdrawal from such account, except as otherwise provided in this paragraph. The insured institution may provide that such notice prior to withdrawal will not be required at the end of a distribution period or within 10 days thereafter in connection with the withdrawal of funds which have remained in such account for at least 90 days. In an emergency where it is necessary to prevent great hardship to the holder of such an account, an insured institution may pay without such notice such account or the portion thereof necessary to meet such emergency: *Provided,* That before making such payment the holder of such account shall sign an application describing fully the circumstances constituting

the emergency which is deemed to justify the payment of the withdrawal, which application shall be approved by an officer of the insured institution who shall certify that, to the best of his knowledge and belief, the statements in such application are true. Where an emergency withdrawal from such an account is paid, the holder of such account shall not be entitled to receive accrued and unpaid earnings for the period of time the funds remained in the insured institution since the last date as of which the insured institution regularly distributed earnings on its savings accounts.

2. In § 569.4, paragraphs (b) and (d) are revised to read as follows:

§ 569.4 Maximum rate of return payable on certificate accounts.

* * * * *

(b) *Institutions paying more than 4.75 percent on regular accounts or notice accounts.* (1) During a distribution period with respect to which an insured institution has an announced rate of return in excess of 4.75 percent per annum on regular accounts, it may not pay a rate of return on certificate accounts in excess of 5 percent per annum, except as otherwise herein provided.

(2) During any 3-month period beginning on the first day of any distribution period and during any 3-month period ending on the last day of any distribution period with respect to which an insured institution has an announced rate of return in excess of 4.75 percent per annum on any notice account to be issued during any such period, it may not announce or pay a rate of return on any certificate account issued during any such period in excess of 5 percent per annum (not including any deferred return or bonus applicable to a period of at least 3 years).

* * * * *

(d) *Amount limitation.* An insured institution may not advertise or pay a rate of return, higher than the maximum rate prescribed for regular accounts, on notice accounts and certificate accounts issued at a time when the total of notice accounts and certificate accounts receiving a rate of return (including any deferred return or bonus applicable to a period of less than 3 years) higher than the maximum rate prescribed for regular accounts exceeds 50 percent of total withdrawable accounts.

3. New § 569.5 is added to read as follows:

§ 569.5 Maximum rate of return payable on notice accounts.

(a) *Maximum rate of 4.75 percent.* No insured institution shall pay a return on notice accounts at a rate in excess of 4.75 percent per annum, except as otherwise herein provided.

(b) *Institutions at higher rates.* (1) An insured institution whose home office is located in a Standard Metropolitan Statistical Area, or county not in such area, in which the regional Federal Home Loan Bank has determined that a mutual savings bank having an office located therein has an announced rate of return in excess of 4.75 percent per annum on accounts which such Bank considers to be similar to notice accounts may pay a return on notice accounts at a rate not in excess of 5 percent per annum, except as otherwise herein provided.

(2) During any 3-month period beginning on the first day of any distribution period and during any 3-month period ending on the last day of any distribution period with respect to which an insured institution has an announced rate of return in excess of 5 percent per annum (not including any deferred return or bonus applicable to a period of at least 3 years) on any certificate account to be issued during any such period, it may not announce or pay a rate of return on any notice account issued during any such period in excess of 4.75 percent per annum.

(c) *Amount limitation.* An insured institution may not advertise or pay a rate of return, higher than the maximum rate prescribed for regular accounts, on notice accounts issued at a time when the total of notice accounts and certificate accounts receiving a rate of return (including any deferred return or bonus applicable to a period of less than 3 years) higher than the maximum rate prescribed for regular accounts exceeds 50 percent of total withdrawable accounts.

(Sec. 4, 80 Stat. 823; 12 U.S.C. 1425b)

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest for the additional authorities granted in these amendments to become effective without delay, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendments for the period specified in § 508.14 of the General Regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68-8914; Filed, July 23, 1968; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

TRIBAL AND TRUST PATENT INDIAN LANDS, SAN CARLOS PROJECT, ARIZ.

Basic Charge

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (80 Stat. 238) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F.R. 10297), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Directors, by Order 551, section 200 (14 IAM 3.1), notice is hereby given of intention to modify § 221.110 Basic charge, of Title 25, Code of Federal Regulations, dealing with irrigation operation and maintenance assessments against tribal lands and trust patent Indian lands of the San Carlos Irrigation Project, Ariz., by increasing the annual basic assessment rate for the calendar year 1969 and subsequent years, unless changed by further order, from $7.20 to $7.50 per acre. The revised section will read as follows:

§ 221.110 Basic charge.

Pursuant to the provisions of section 10 of the Act of March 3, 1905 (33 Stat. 1081), as amended and supplemented by the Acts of August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583, 25 U.S.C. 385), section 5 of the Act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, title 25 U.S.C. 387), and the Act of August 9, 1937 (50 Stat. 577), as amended by the Act of May 9, 1938 (52 Stat. 291–305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian Irrigation Project within the boundaries of the Gila River Indian Reservation, Ariz., and the basic rate assessed for the calendar year 1969 and the subsequent years unless changed by further order, is hereby fixed at $7.50. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply. The assessment for the 50,000 acres of Indian land will be payable as provided in §§ 221.111 to 221.116, inclusive.

The foregoing change is to become effective for the calendar year 1969 and continue thereafter until further notice.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendment, to W. Wade Head, Area Director, Phoenix Area Office, Post Office Box 7007, Phoenix, Ariz., within 30 days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

ALBERT LASSITER,
Acting Area Director.

[F.R. Doc. 68-8776; Filed, July 23, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 915]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Increase in Rate of Assessment for 1968–69 Fiscal Year

Consideration is being given to the proposal hereinafter set forth which was submitted by the Avocado Administrative Committee, established under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof.

The proposal is that the rate of assessment (33 F.R. 8725) for the period beginning April 1, 1968, through March 31, 1969, payable by each handler in accordance with § 915.41 be increased from $0.03 to $0.04 per bushel of avocados.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 19, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-8823; Filed, July 23, 1968; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Certain Surfactants in Pesticide Formulations; Extension of Time for Filing Comments on Proposal To Exempt From Requirement of Tolerances

The notice published in the FEDERAL REGISTER of June 18, 1968 (33 F.R. 8847), proposing that the pesticide regulations be amended (21 CFR 120.1001) to exempt certain surfactants in pesticide formulations from the requirement of a tolerance, provided for the filing of comments thereon within 30 days of said publication date.

The Commissioner of Food and Drugs has received requests for an extension of such time and, good reason therefor appearing, the time for filing comments on the subject proposal is extended to September 16, 1968.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (c), (e)) and in accordance with the authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8813; Filed, July 23, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9025]

AIRWORTHINESS DIRECTIVES

Certain Dassault Fan Jet Falcon Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Dassault Fan Jet Falcon Airplanes, Serial Nos. 1 through 72. There

have been reports of corrosion in the landing gear switch assembly installed in such airplanes. This could result in the erroneous indication to the flight crew of the position of the main and nose landing gears. Since this condition is likely to exist or develop in other airplanes of the same type design, it is proposed to issue an airworthiness directive to require replacement of these switches on all Dassault Fan Jet Falcon Airplanes, Serial Nos. 1 through 72.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Dockets, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 23, 1968, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before or after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

AVIONS MARCEL DASSAULT. Applies to Dassault Fan Jet Falcon Airplanes, Serial Nos. 1 through 72.

Compliance required by not later than December 31, 1968.

To prevent the ingress of moisture causing internal corrosion in the landing gear switch assembly, replace the existing microswitch with a modified switch, in accordance with Dassault AMD Service Bulletin No. 333 dated June 21, 1968, or later SGAC-approved issue, or FAA-approved equivalent, as follows:

Location	Existing switch	Modified switch
Nose landing gear, telescopic bar	P/N A1-23802	P/N A1-23802—V1-V2.
Nose landing gear, door actuating cylinder	P/N A1-23801	P/N A1-23801—V1-V2.
Main landing gear, drag strut actuator cylinder	P/N A2-23802	P/N A2-23802—V1-V2.
Main landing gear, door actuating cylinder	P/N A2-23801	P/N A2-23801—V1-V2.

Issued in Washington, D.C., on July 16, 1968.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 68-8784; Filed, July 23, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 18260, RM 1223, RM 1289; FCC 68-742]

RF OPERATED MEASURING DEVICES

Notice of Proposed Rule Making

1. The Commission has received two petitions requesting that Part 18 or Part 15 be amended to make provision for the operation without an individual license of certain measuring devices which involve the emission of electromagnetic energy and which cannot meet the existing regulations in Part 15 or Part 18.

2. Owens-Illinois, Inc., manufacturer of glass containers, has developed an RF thickness gauge capable of measuring the wall thickness of glass containers moving along a production line. Use of this device will permit measurement of wall thickness of 100 percent of the production of those containers where wall thickness is a critical specification. Owens-Illinois points out that use of the device will provide an unusually high level of quality control with respect to wall thickness.

3. The device developed by Owens-Illinois operates on a frequency of 13.56 Mc/s—a frequency allocated for Industrial, Scientific, and Medical purposes, both in the table of frequency allocations in Part 2 of the FCC rules and in the International Radio Regulations (Geneva 1959). Attached to the Owens-Illinois petition is a report showing that the maximum level of field strength of the emitted field is 140 uV/m at 12 feet from the device.

4. Owens-Illinois alleges that its thickness gauge is a piece of ISM equipment since it uses RF energy for an industrial purpose. However, Owens-Illinois reports that its device is not expressly described by any of the definitions for the several devices now regulated by Part 18. It accordingly petitions the Commission to amend the definition of Miscellaneous Equipment to specifically include provision for its thickness gauge. The present definition for Miscellaneous Equipment reads:

> Miscellaneous equipment shall include apparatus other than that defined in or excepted by paragraphs (b) and (c) of this section in which radio frequency energy is applied to materials to produce physical, biological, or chemical effects such as heating, ionization of gases, mechanical vibrations, hair removal and acceleration of charged particles which do not involve communications or the use of radio receiving equipment.

Owens-Illinois requests that this definition be expanded by adding the language "or to measure characteristics thereof". As amended the definition would read:

> Miscellaneous equipment shall include apparatus other than that defined in or excepted by paragraphs (b) and (c) of this section in which radio frequency energy is applied to materials (1) to produce physical, biological, or chemical effects such as heating, ionization of gases, mechanical vibrations, hair removal and acceleration of charged particles, or (2) measure characteristics thereof, which do not involve communications or the use of radio receiving equipment.

5. The Home Laundry Department of the General Electric Co. has developed a control system to be used in its home laundry clothes dryer to sense the moisture content of the clothes in the dryer. The device uses a 915 Mc/s oscillator which emits energy into the drum containing the moist clothes.

6. GE presents data collected in its Home Laundry Laboratory to show that the optimum condition for terminating the drying operation is when the moisture content of the clothes has been reduced to 3 to 5 percent. Overdrying clothes tends to make the fibers brittle and more susceptible to wear and damage, thus reducing the original strength, resiliency and appearance of the fabric.

7. Petitioner points out that the existing control devices used in clothes dryers are not able to make a precise determination of moisture content. Thus, clothes are generally overdried. The UHF moisture detection system, subject of the instant petition, can make a precise determination of moisture content, and can terminate the drying operation at the optimum point. The user benefits from the prolonged life and improved appearance of the clothes.

8. GE believes its device to be a piece of Miscellaneous Equipment under Part 18 of the FCC rules. However, to remove any question of doubt, it petitions the Commission for a declaratory pronouncement that its moisture sensing control system is in fact a piece of Miscellaneous Equipment. In the alternative, GE petitions the Commission to treat its device as a restricted radiation device under Part 15 of the Commission's rules and to amend Part 15 to waive the duty cycle provisions of § 15.211 with respect to such moisture sensing device.

9. The two devices described above are each intended to be operated without an individual license. The Commission has two sets of regulations covering such operation: Part 15 and Part 18. Part 15 in general deals with devices that emit a relatively low level of signal and which fall in the general area of communications. Part 18, on the other hand, deals with devices involving the generation of a substantial amount of RF power which is not used for communications. Typical devices are the RF heaters used in industry and medical diathermy machines used in therapy. In line with this distinction between Part 15 and Part 18, the Commission finds that the two devices described in the subject petitions must be classified as restricted radiation devices and not as ISM equipment. Accordingly, the Commission proposes to grant these petitions in part by amending its Part 15 to provide regulations under which the subject devices may be operated.

10. The Commission proposes to add to Subpart E of Part 15 a regulation

which would permit the operation of measuring devices on the frequencies allocated for ISM purposes. Such devices would be required to control the emission of radio frequency energy so as not to exceed specified values of field strength. These limits increase with frequency. The actual values are given in the proposed rules appended to this notice. To emphasize that this regulation permits only measuring devices, a specific prohibition against the transmission of voice or other types of messages is included.

11. The Commission also proposes a certification procedure which would require the filing with the Commission of a detailed report of measurements to show that the device can reasonably be expected to comply with its requirements. Provision is also made for labeling of the device to indicate to the purchaser compliance with FCC requirements. The detailed regulations proposed to be promulgated are set out in the appendix to this notice.

12. Authority for the adoption of the amendments herein proposed is contained in sections 4(i) and 303(r) of the Communications Act of 1934 as amended.

13. Pursuant to applicable procedure set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 30, 1968, and reply comments on or before September 9, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules of general applicability which are proposed herein, the Commission also may take into account other relevant information before it, in addition to the specific comments invited by this notice.

14. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 17, 1968.

Released: July 19, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

It is proposed to amend Part 15 as follows:

1. The text of § 15.201 is amended to add paragraph (d) as follows:

§ 15.201 Frequencies of operation.

* * * * *

(d) A low power communication device used for measurement purposes may be operated on frequencies and under the alternative provisions listed in § 15.214.

2. A new § 15.214 is added to read as follows:

§ 15.214 Alternative provisions for measuring devices.

(a) A low power communication device used for measurement purposes may operate in the frequency bands listed in paragraph (c) pursuant to the provisions in this section.

(b) A device operated pursuant to the alternative provisions of this section may not be used for voice communications, or the transmission of any other type of message.

(c) The device shall operate within the frequency bands:

13.544–13.566 Mc/s.	890–940 Mc/s.
26.96–27.28 Mc/s.	2400–2500 Mc/s.
40.66–40.70 Mc/s.	5725–5875 Mc/s.
	22,000–22,250 Mc/s.

(d) The maximum level of energy emitted by the device on any frequency shall not exceed:

Frequency	*Field strength at 100 feet (uV/m)*
Over 1.6 Mc/s up to and including 25 Mc/s	15.
Over 25 Mc/s up to and including 70 Mc/s	32.
Over 70 Mc/s up to and including 130 Mc/s	50.
130–174 Mc/s	50–150 (linear interpolation).
174–260 Mc/s	150.
260–470 Mc/s	150–500 (linear interpolation).
Over 470 Mc/s	500.

(e) The device shall be self-contained with no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this section. Any antenna that may be used with the device shall be permanently attached thereto and shall not be readily modifiable by the user.

(f) The device shall be prototype certificated pursuant to §§ 15.251–15.254 inclusive.

3. New §§ 15.251–15.254 are added to read as follows:

§ 15.251 Certification of measuring devices operating pursuant to § 15.214.

(a) Devices operating pursuant to § 15.214 need not be certificated by the owner or user if the devices have been certificated by the manufacturer.

(b) Where certification is based on measurement of a prototype, a sufficient number of units shall be tested to insure that all production units can be reasonably expected to comply with the applicable technical requirements.

(c) The certificate shall be filed with the FCC, Washington, D.C. 20554.

§ 15.252 Content of certificate required by § 15.214.

(a) The manufacturer, model, and serial number(s) or other positive identification of the device that was tested.

(b) Photographs of the device.

(c) A description of the circuitry and how the device operates.

(d) The conditions under which the device shall be operated.

(e) The antenna, if any, to be used with the device.

(f) A report of measurements pursuant to § 15.253.

(g) If filed by manufacturer, a statement certifying that production will be adequately controlled to insure that all units produced can be reasonably expected to comply with the applicable technical requirements.

(h) If filed by manufacturer, a copy of the installation and operating instructions provided to the user.

(i) Date of certificate.

(j) Signature. If filed by the manufacturer, the certificate shall be signed by a responsible official, who shall state that he is authorized to sign for the manufacturer and shall indicate his title.

§ 15.253 Report of measurements for a device operating pursuant to § 15.214.

The report of measurements may be prepared by any engineer skilled in making and interpreting the measurements that are required and shall contain the following information.

(a) Identification of the device(s) that was tested.

(b) List of measuring equipment used showing manufacturer, model number and date when last calibrated.

(c) Description of measurement procedure used. If a published standard was followed, reference to the standard is sufficient provided any departure from such standard is described in detail.

(d) Report of the measurements obtained on the fundamental, harmonic and other spurious signals emitted by the device.

(e) Representative calculations used to determine field strength from the actual meter reading indicating the conversion factors used and their source.

(f) The date the measurements were made.

(g) The name and address of the engineer or technician who made the actual measurements, and the name and address of his employer, if any.

(h) The signature and printed name and address of the engineer responsible for the report.

§ 15.254 Identification of a device certificated under § 15.214.

(a) Each device certificated under § 15.214 shall be identified by a label which may be part of the name plate.

(b) The label shall state that a certificate has been filed with the Commission attesting compliance with the applicable technical requirements.

(c) The label shall state further:

"Operation of this equipment is subject to the following two conditions: 1. This equipment may not cause harmful interference. 2. This equipment must accept any interference that may be received, including interference that may cause undesired operation."

(d) The label shall be permanently attached to the device and shall be readily visible by prospective purchasers.

(e) The label may be attached only after the certificate required by §15.214 has been filed with the Commission.

[F.R. Doc. 68-8793; Filed, July 23, 1968; 8:46 a.m.]

[47 CFR Part 73]

[Docket No. 18259, RM-1308; FCC 68-738]

FM BROADCAST STATIONS

Table of Assignments; Harrisonburg, Va.

1. On May 17, 1968, Blue Ridge Radio, Inc., filed a petition for rule making requesting the assignment of FM Channel 282 to Harrisonburg, Va., as follows:

City	Channel No.	
	Present	Proposed
Harrisonburg, Va.	264	264, 282

Harrisonburg, with a population of 11,916 persons, is the county seat and largest city of Rockingham County, which has a population of 52,401.[1] The community has one FM station as well as two daytime-only and one unlimited AM stations. The FM and unlimited AM stations (WSVA (AM/FM)) are operated by a common licensee; petitioner is licensee of one of the daytime-only stations (WKCY).

2. The petitioner estimates that Harrisonburg's present population is 15,000 persons with another 3,000 in the suburbs, and that Rockingham County has a population in excess of 62,000 persons. It is further estimated that the city serves the shopping needs of 100,000 people within a radius of 100 miles.[2] It is noted by petitioner that, although Rockingham County has been known as one of the foremost agricultural counties in the Nation, a diversified industrial growth has taken place within the past decade. The petitioner contends that the general area is experiencing a significant growth in population, industry and general importance. It is pointed out that there are no FM stations in the adjacent Virginia counties of Shenandoah and Page, and portions of both would be served by operation on the proposed channel. The petitioner states that the requested assignment would result in a second FM service to Harrisonburg and to a "gray area" of approximately 1,000 square miles in the Shenandoah Valley. Finally, it is urged by the petitioner that, since the only other AM-FM stations (nighttime) in Harrisonburg are under the same ownership, the requested assignment would permit a second independent nighttime facilities for the Harrisonburg area.

3. Harrisonburg is located within an area known as the "Quiet Zone," geographically defined by § 73.215 of the rules, which has been established to protect radio facilities operated by the National Radio Astronomy Observatory (NRAO) and the Naval Radio Research Station (NRRS) at Greenbank and Sugar Grove, W. Va., respectively. By report and order, Docket No. 16991, released February 17, 1967 (9 R.R. 2d 150), all unoccupied FM assignments for communities located within the above-described area were deleted from the Table of Assignments, including Channel 288A then assigned to Harrisonburg. The order indicated, however, that consideration would be given to future petitions for additional assignments in the Quiet Zone, but it was noted that such requests would be judged on the impact they would have on the work being done at the two installations. The petitioner reports that extensive studies over a period of months were conducted in coordination with both NRAO and NRRS to determine a specific channel, antenna site and antenna design which would meet the protection requirements of the agencies and at the same time provide service to Harrisonburg and environs. As a result of these studies, the petitioner states that it had an antenna manufacturer design a directional antenna which will offer the necessary protection to the observatory installations and at the same time meet the various technical requirements of the Commission's rules. Copies of letters from the NRAO and the NRRS are included with the petition and indicate that the proposed operation contemplated by the petitioner appears satisfactory, providing certain specified radiation limitations in the direction of their respective installations are met. It is pointed out by the petitioner that an application for the facilities contemplated herein would necessitate a waiver of § 73.316(c) of the rules, since an antenna with a maximum to minimum ratio in excess of 15 db would be required to afford the required protection to the observatory installations.

4. A site for Channel 282 would need to be located about 16 miles west of Harrisonburg in order to meet the spacing requirements of the rules. An engineering study accompanying the petition indicates that the spacing requirements and the required signal over Harrisonburg can be obtained by use of the equivalent of maximum Class B facilities from the tentative site found acceptable to NRAO, NRRS, and the petitioner. The engineering study further shows that there would result areas where Channels 280A, 281, 282, 283, and 285A would be precluded from future assignment if Channel 282 were assigned to Harrisonburg as proposed. However, it is noted that the greater part of the preclusion areas fall over sparsely populated and mountainous areas and no community of 2,500 or more population would be precluded from an assignment.

5. Comments were filed by NRAO in connection with subject petition, wherein it is acknowledged that, by virtue of the petitioner's selection of a site to take advantage of natural shielding by intervening mountains and the proposed use of a directional antenna, interference protection will be afforded to the NRAO and NRRS installations. While NRAO states that it does not oppose petitioner's request for rule making, concern is expressed, from a long-range standpoint, with the erosion of the Quiet Zone by case-to-case granting of additional radio facilities therein. NRAO contends that, even though such applications may individually meet the interference protection requirements used by NRAO and NRRS, they will add to the totality of radiating sources within the area and will ultimately destroy the zone for its intended purpose. We are of the opinion that the matter of providing further long-term protection in the Quiet Zone may be a subject for separate consideration at such time as the Commission receives appropriate representations advocating revision of the Commission's rules which provide protection to the Quiet Zone.

6. We are of the view that a sufficient showing has been made to warrant rule making in this case. We are therefore inviting comments on the proposal so that interested persons may submit their views and relevant data concerning the proposal outlined above.

7. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before August 30, 1968, and reply comments on or before September 9, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: July 17, 1968.

Released: July 19, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-8794; Filed, July 23, 1968; 8:46 a.m.]

[1] Populations are based on 1960 U.S. Census, unless otherwise indicated.

[2] Petitioner's estimates based on Chamber of Commerce reports.

[47 CFR Part 73]

[Docket No. 18258, RM-1250; FCC 68-736]

TELEVISION BROADCAST STATIONS

Indicating Range of Aural Frequency Monitor

1. On February 6, 1968, Collins Radio Co. (Collins) filed a petition requesting amendment of § 73.693 of the rules and regulations, which sets the requirements for type approval of frequency monitors for television broadcasting stations.

2. Specifically, Collins requests a change in subparagraph (a) (2) of this section, which now reads:

The range of the indicating device for the aural monitor shall be at least 3,000 cycles below to 3,000 cycles above the assigned center frequency. Alternatively, the aural monitor may use an indicating device with a similar scale to indicate the difference-frequency between the aural and visual carriers. The range of the indicating device for

[1] Commissioner Johnson concurring in the result.

the visual monitor shall be at least 1,500 cycles below to 1,500 cycles above the assigned carrier frequency.

Collins would amend this subparagraph to specify the minimum required range of the indicating device for the aural monitor as "2,000 cycles below to 2,000 cycles above the assigned center frequency" in lieu of the ±3,000 cycles range now required.

3. In support of its proposal, Collins points out that the maximum permissible deviation in the absolute value of the center frequency of the aural signal, pursuant to § 73.668, is 2,000 cycles. If the required minimum range of the indicating device in the aural frequency monitor were made equal to the maximum permissible frequency deviation, the aural monitor requirement would become consistent with similar requirements for monitors in the standard broadcast and FM broadcast services.[1]

4. Collins does not make its proposal because of an interest in consistency, per se, but to facilitate the design of a television frequency monitor with digital readout. It alleges that the existing requirement for a ±3,000-cycle indicating range makes for a design of unnecessary complexity and cost. These factors would be mitigated with the more restricted range proposed.

5. If the achievement of consistency in the requirements for frequency monitors in the TV, FM, and standard broadcast services were the fundamental aim of this proceeding, we believe that the desirable approach would be to extend the indicating ranges of the FM and standard broadcast monitors beyond the frequency tolerances pertinent to these services, rather to constrict the frequency range of the TV monitor, as the former approach has substantial operating advantages. Where the range of the meter is coincident with the frequency tolerance, a maximum reading is ambiguous; it may indicate either that the transmitter is operating at the maximum permissible deviation from its assigned frequency, or that it is off frequency. It may be argued that the ability to distinguish between the two conditions is not important—that, long before the maximum indication of the meter was reached, the operator should have initiated corrective action. This may not always be so. Such an ambiguous reading, occurring when a third-class permittee is in attendance and a first-class operator not immediately available, creates uncertainty as to the appropriate action to be taken—the station may continue to operate up to the full frequency tolerance—beyond that tolerance it must be shut down (e.g., § 73.93(b)).

6. It should be noted that the desirability of the wider range is recognized by the manufacturers of AM and FM frequency monitors, and despite the more modest type acceptance requirements of the Commission's rules, the typical AM monitor has an indicating range of ±30 cycles (50 percent greater than the applicable tolerance) and the typical FM monitor a range of ±4 kc (100 percent greater than the tolerance).

7. For the reasons stated, we do not believe that it is advisable to restrict the indicating range of the aural monitor to the extent proposed by Collins. On the other hand, there appears no reason why the present 50 percent margin of range over tolerance need be maintained, if a more restricted range requirement will permit the design of simpler and less expensive frequency monitors with digital readout. That this is true is not self-evident, however. At this time, we have only Collins' bare assertion to that effect.

8. Therefore, comments are solicited on a proposal to reduce the minimum indicating range required for television broadcast aural frequency monitors eligible for type approval. Those advocating a range reduction should submit factual data and information on the relationship of the range of such instruments to their cost and complexity. These submissions, together with the comments from other interested parties, will provide a basis on which we may determine whether the pertinent rule should be amended, and, if this step appears desirable, the substance of the amendment.

9. Pursuant to applicable procedures set out in § 1.415 of the rules, interested parties may submit comments on or before August 30, 1968, and replies to such comments on or before September 9, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

10. Authority for the adoption of the rules proposed herein is contained in sections 4(i) and 303(b) of the Communications Act of 1934, as amended.

11. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: July 17, 1968.

Released: July 19, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8795; Filed, July 23, 1968; 8:46 a.m.]

[1] Section 73.59 specifies a frequency tolerance of ±20 cycles for standard broadcast stations. Section 73.49(a)(2) requires that the indicating device in a type approved standard broadcast frequency monitor have a range at least from 20 cycles below to 20 cycles above the assigned frequency. Similarly, § 73.269 specifies a frequency tolerance of ±2,000 cycles for FM broadcast stations, and a type approved frequency monitor for FM stations must have, under § 73.331(b)(2), an indicating device with a range at least from 2,000 cycles below to 2,000 cycles above the assigned center frequency.

[2] Commissioner Johnson concurring in the result.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-3886]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 16, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice segregates all the described lands from appropriation only under the agricultural land laws (43 U.S.C. chapters 7 and 9; 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used in this order, "public lands" means any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, as amended or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No protests or objections were received following publication of a notice of proposed classification (33 F.R. 6993–6994) or at the public hearing held on June 6, 1968, at Saguache, Colo. The record showing the comments received and other information is on file and can be examined in the Canon City District Office, Bureau of Land Management, 1001 Main Street, Canon City, Colo. 81212, and in the Land Office, Bureau of Land Management, Room 15019 Federal Building, Denver, Colo. 80202.

3. The public lands proposed for classification are located within the following described area and are shown on a map and designated Block 1, located in the Canon City District Office, Bureau of Land Management, 1001 Main Street, Canon City, Colo.; and the Land Office, Bureau of Land Management, 1961 Stout Street, Denver, Colo. 80202.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAGUACHE COUNTY

T. 40 N., R. 6 E.,
  Sec. 3.
T. 41 N., R. 6 E.,
  Secs. 1 to 3, inclusive;
  Sec. 10;
  Secs. 13 to 15, inclusive;
  Secs. 22 to 27, inclusive;
  Secs. 34 and 35.
T. 41 N., R. 7 E.,
  Secs. 18, 19, and 30.
T. 42 N., R. 5 E.,
  Secs. 1 and 2;
  Secs. 11 to 15, inclusive;
  Secs. 23 and 24.
T. 42 N., R. 6 E.,
  Secs. 2 to 7, inclusive;
  Secs. 9 to 14, inclusive;
  Secs. 18 to 30, inclusive;
  Secs. 34 and 35.
T. 42 N., R. 7 E.,
  Secs. 3 to 9, inclusive;
  Secs. 17, 18, and 19.
T. 43 N., R. 6 E.,
  Secs. 1 and 2;
  Secs. 11 to 15, inclusive;
  Secs. 21 to 28, inclusive;
  Secs. 32 to 35, inclusive.
T. 43 N., R. 7 E.,
  Secs. 2 to 10, inclusive;
  Secs. 15, 17, 18, 19, 20, 29, 30, and 34.
T. 44 N., R. 4 E.,
  Secs. 1 to 4, inclusive;
  Secs. 9 to 15, inclusive.
T. 44 N., R. 5 E.,
  Secs. 6 and 7.
T. 44 N., R. 6 E.,
  Secs. 1, 2, 25, and 36.
T. 44 N., R. 7 E.,
  Secs. 2, 3, 6, and 7;
  Secs. 13 to 35, inclusive.
T. 45 N., R. 4 E.,
  Secs. 1, 12, 13, 24, 25, 26, 35, and 36.
T. 45 N., R. 5 E.,
  Secs. 1 to 32, inclusive.
T. 45 N., R. 6 E.,
  Secs. 1 to 15, inclusive;
  Secs. 17 to 24, inclusive;
  Secs. 26 to 35, inclusive.
T. 45 N., R. 7 E.,
  Secs. 4 to 11, inclusive;
  Secs. 13 to 31, inclusive;
  Secs. 33 to 36, inclusive.
T. 45 N., R. 8 E.,
  Secs. 13 and 14;
  Secs. 19 to 36, inclusive.
T. 45 N., R. 9 E.,
  Secs. 2, 3 and 4;
  Secs. 7 to 12, inclusive;
  Secs. 17 to 20, inclusive;
  Secs. 29 to 33, inclusive.
T. 45 N., R. 10 E.,
  Secs. 1 to 4, inclusive;
  Secs. 10 to 15, inclusive;
  Secs. 21 to 26, inclusive;
  Sec. 35.
T. 45 N., R. 11 E.,
  Secs. 6, 7, 18, 19, 29, 30, 31, and 32.
T. 46 N., R. 4 E.,
  Sec. 36.
T. 46 N., R. 5 E.,
  Secs. 20 to 23, inclusive;
  Secs. 25 to 35, inclusive.
T. 46 N., R. 6 E.,
  Secs. 3, 10, 13, 14, and 15;
  Secs. 20 to 36, inclusive.
T. 46 N., R. 7 E.,
  Secs. 18 and 19.
T. 46 N., R. 8 E.,
  Secs. 12, 13, 24, and 25.
T. 46 N., R. 9 E.,
  Secs. 3 to 10, inclusive;
  Secs. 17 and 21 to 30, inclusive;
  Secs. 32 to 35, inclusive.
T. 46 N., R. 10 E.,
  Secs. 1 to 5, inclusive;
  Secs. 8 to 15, inclusive;
  Secs. 19 to 29, inclusive;
  Secs. 33 to 35, inclusive.
T. 46 N., R. 11 E.,
  Secs. 18, 19, 30, and 31.
T. 47 N., R. 8 E.,
  Secs. 1, 2, 11, 12, 13, 14, and 24.
T. 47 N., R. 9 E.,
  Secs. 4 to 6, inclusive;
  Secs. 8 to 11, inclusive;
  Secs. 13 to 15, inclusive;
  Secs. 17 to 20, inclusive;
  Secs. 23 to 25, inclusive;
  Secs. 27 to 34, inclusive.
T. 47 N., R. 10 E.,
  Secs. 19, 29, 30, 31, 32, and 33.
T. 48 N., R. 8 E.,
  Secs. 13 to 16, inclusive;
  Secs. 21 to 27, inclusive;
  Sec. 35.
T. 48 N., R. 9 E.,
  Secs. 19 and 29 to 33, inclusive.

The area described aggregates approximately 221,581.07 acres of public land.

4. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1–2(d)).

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-8781; Filed, July 23, 1968; 8:46 a.m.]

[Serial No. I-2351]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 17, 1968.

The Department of Agriculture has filed an application, Serial Number I–2351 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as a campground and picnic area on the Coeur d'Alene National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes

more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

COEUR D'ALENE NATIONAL FOREST

Devils Elbow Campground

T. 51 N., R. 3 E.,
Sec. 14, lots 1, 2, 4, and 5.

The area described aggregates 64.80 acres, more or less in Shoshone County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 68-8772; Filed, July 23, 1968; 8:45 a.m.]

[New Mexico 435]

NEW MEXICO

Notice of Reclassification of Public Lands

JULY 17, 1968.

1. Pursuant to the act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2410 and 2411, the following public lands are hereby classified for disposal as specified below. As a result of comments received following publication of the proposed classification (33 F.R. 6941–6942) the following changes have been made: Group 1, T. 16 S., R. 5 W., sec. 27 is changed to sec. 26; add lot 2 to sec. 11, T. 11 S., R. 7 W. Group II add lot 14 and SE¼SW¼ sec. 16, T. 16 S., R. 6 W., lots 13, 14, and 15, sec. 17; lots 1 and 2 sec. 24, T. 12 S., R. 7 W. Any segregative effect of the proposed classification on the land described as W½NE¼, W½W½NE¼SE¼SW¼, and E½E½NW¼SE¼SW¼, sec. 27, T. 16 S., R. 5 W., will terminate at 10 a.m. on the 30th day following publication of this classification notice.

GROUP I

2. The following public lands are hereby classified for transfer out of Federal ownership by (a) exchange under section 8 of the Taylor Grazing Act (48 Stat. 1269) as amended and (b) for public sales under section 2455 of the Revised Statutes (43 U.S.C. 1171):

NEW MEXICO PRINCIPAL MERIDIAN

T. 14 S., R. 2 W.,
Sec. 33, NW¼.
T. 10 W., R. 5 W.,
Sec. 22, lots 1, 2, 3, 4, and SE¼.
T. 11 S., R. 5 W.,
Sec. 28, NW¼SW¼, SE¼SW¼, and SW¼SE¼.
T. 16 S., R. 5 W.,
Sec. 26, W½NE¼, W½W½NE¼SE¼SW¼, and E½E½NW¼SE¼SW¼.
T. 12 S., R. 6 W.,
Sec. 21, NW¼NE¼ and NE¼NW¼;
Sec. 33, W½SW¼.
T. 19 S., R. 6 W.,
Sec. 34, lot 3.
T. 11 S., R. 7 W.,
Sec. 3, lots 5, 11, and NW¼SE¼;
Sec. 4, SW¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 5, SE¼SE¼;
Sec. 9, lot 1;
Sec. 10, NW¼NE¼ and NE¼NW¼;
Sec. 11, lots 2 and 11;
Sec. 21, lot 4;
Sec. 28, NW¼NW¼;
Sec. 29, N½NE¼.
T. 12 S., R. 7 W.,
Sec. 23, NW¼ and N½SW¼.
T. 13 S., R. 7 W.,
Sec. 12, N½NE¼ and SW¼NE¼;
Sec. 25, S½NW¼ and SW¼;
Sec. 26, SE¼NE¼ and SE¼.
T. 15 S., R. 7 W.,
Sec. 13, N½SE¼.
T. 16 S., R. 7 W.,
Sec. 1, NE¼SE¼, SW¼SE¼, and SE¼SW¼.

The areas described aggregate 2,574.26 acres in Sierra County.

GROUP II

The following public lands are hereby classified for transfer out of Federal ownership by exchange under section 8 of the Taylor Grazing Act:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 S., R. 6 W.,
Sec. 30, lots 3, 4, and E½SW¼.
T. 12 S., R. 6 W.,
Sec. 4, S½ lot 8, lot 9, S½ lot 10, W½ lot 14, lot 15, and SW¼;
Sec. 7, lot 4, SE¼SW¼, and SE¼;
Sec. 8;
Sec. 9, NW¼NE¼, NW¼, and NW¼SW¼;
Sec. 17, N½N½, SW¼NW¼, and SW¼;
Sec. 18;
Sec. 19, lot 1, NW¼NE¼, and NE¼NW¼;
Sec. 20, NE¼NW¼;
Sec. 30, lot 4;
Sec. 31, lots 1, 2, 3, 4, S½S½NE¼, W½NE¼NW¼, SE¼NW¼, E½SW¼, N½SE¼, and SE¼SE¼.
T. 13 S., R. 6 W.,
Sec. 6, lots 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, and NE¼SW¼;
Sec. 21;
Sec. 28, N½NE¼, SW¼NE¼, NW¼, and N½SW¼;
Sec. 29, N½S½ and S½SW¼;
Sec. 30, lots 3, 4, E½SW¼, and SE¼;
Sec. 31, lots 1, 2, 3, 4, W½E½, E½NW¼, and NE¼SW¼.
T. 14 S., R. 6 W.,
Sec. 6, lot 4.
T. 16 S., R. 6 W.,
Sec. 6, lot 14 and SE¼SW¼;
Sec. 7;
Sec. 18, NE¼ and NE¼NW¼.
T. 11 S., R. 7 W.,
Sec. 6, lots 5, 6, 7, SE¼NW¼, and E½SW½;
Sec. 7, lots 1, 2, 3, 4, and E½W½;
Sec. 15, SW¼;
Sec. 18, lots 1, 2, 3, 4, and E½W½;
Sec. 19, lots 1, 2, 3, 4, 5, S½NE¼, E½W½, N½SE¼, and SE¼SE¼;
Sec. 20, S½ lot 3, and lots 7 to 15, inclusive;
Sec. 21, lots 1 and 2;
Sec. 22, W½NE¼, NW¼, and SE¼;
Sec. 23, S½SW¼;
Sec. 25, S½NW¼ and S½;
Sec. 26, NE¼ and E½NW¼;
Sec. 28, lots 4, 5, 6, and NE¼SW¼;
Sec. 29, lot 2, NW¼NW¼, and S½SE¼;
Sec. 30, E½NE¼NE¼;
Sec. 33, lot 3, E½, NW¼NW¼, S½NW¼, NE¼SW¼, and E½SE¼SW¼;
Sec. 34, S½N½ and S½;
Sec. 35, NE¼NE¼, NW¼NW¼, S½N½, and S½.
T. 12 S., R. 7 W.,
Sec. 3, lots 5 to 20, inclusive;
Sec. 4, lots 1, 2, S½NE¼, and SE¼;
Sec. 9, lots 1, 2, 5, 6, 7, 8, and 9;
Sec. 10, lots 1 to 13, inclusive;
Sec. 11, NW¼NW¼, S½SW¼, and SW¼SE¼;
Sec. 12, S½SE¼;
Sec. 13, E½;
Sec. 14, lots 1 to 7, inclusive;
Sec. 15, lots 1, 2, and 3;
Sec. 17, lots 13, 14, and 15;
Sec. 20, lots 1, 2, 3, 6, 7, 8, 9, 12, 13, and 14;
Sec. 21, S½SW¼ and W½SE¼;
Sec. 24, lots 1 and 2;
Sec. 25, S½SE¼;
Sec. 26, W½E½NW¼, SW¼NW¼, W½NE¼SW¼, W½SW¼, and SE¼SW¼;
Sec. 27, NW¼NW¼, S½N½, and S½;
Sec. 28;
Sec. 29, lots 1, 2, 3, and 6 to 16, inclusive;
Sec. 33, N½;
Sec. 34, lots 1 to 8, inclusive.
T. 13 S., R. 7 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and N½S½;
Sec. 10, lots 1 to 16, inclusive;
Sec. 11;
Sec. 12, NW¼SW¼;
Sec. 13, S½;
Sec. 14, lots 1, 2, 3, and NW¼NW¼;
Sec. 15, N½N½ and SE¼NE¼;
Sec. 23, W½E½ and W½;
Sec. 24;
Sec. 26, lots 1, 2, 3, 4, and NW¼NE¼.
T. 15 S., R. 7 W.,
Sec. 13, S½SW¼;
Sec. 14, S½S½;
Sec. 23, N½NW¼;
Sec. 24, S½NE¼, NW¼NW¼, and N½SE¼NW¼.
T. 16 S., R. 7 W.,
Sec. 10, lots 1, 2, E½, S½NW¼, and N½SW¼;
Sec. 11, NE¼NE¼, W½E½, W½, and E½SE¼;
Sec. 12, SE¼NE¼, SW¼SW¼, and E½SE¼;
Sec. 13, N½NE¼, SW¼NE¼, and NW¼NW¼;
Sec. 14, NE¼, N½NW¼, SE¼NW¼, and NW¼SE¼;
Sec. 15, N½NE¼.
T. 18 S., R. 7 W.,
Sec. 17, E½SW¼ and SW¼SE¼;
Sec. 20, E½NE¼, NW¼NE¼, and N½NE¼NW¼;
Sec. 21, NE¼NE¼, W½NE¼, and NW¼.
T. 11 S., R. 8 W.,
Sec. 1, S½NE¼ and N½SE¼;
Sec. 25, SE¼NE¼ and E½SE¼.
T. 12 S., R. 8 W.,
Sec. 21, NW¼SW¼ and S½SW¼;
Sec. 28, N½NW¼.

The areas described aggregate 24,791.73 acres in Sierra County.

3. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the forms of disposal for which the lands are classified. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

4. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721,

Washington, D.C. 20240 (43 CFR 2411.12 (d)).

MORRIS A. TRAGSTAD,
Acting State Director.

[F.R. Doc. 68-8773; Filed, July 23, 1968; 8:45 a.m.]

[New Mexico 5839]

NEW MEXICO

Notice of Classification of Public Lands for Disposal

JULY 17, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described below are hereby classified for disposal as provided for below. As used herein "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose. As a result of comments received following publication of the proposed classification (33 F.R. 6994–6996), the land described as NE¼NW¼, sec. 23, T. 12 S., R. 8 W., and lot 4, sec. 1, T. 13 S., R. 8 W., have been included in this classification.

2. Except as otherwise provided in this order, priority in disposals will be given to applications for (a) State grants and indemnity selections under 43 U.S.C. 851, 852; (b) exchanges for consolidation of Federal program areas under section 8 of the Taylor Grazing Act, 43 U.S.C. 315g; (c) public uses and development under the Act of June 14, 1926 (44 Stat. 741); as amended (43 U.S.C. 869); and (d) public sales under section 2455 of Revised Statutes (43 U.S.C. 1171).

NEW MEXICO PRINCIPAL MERIDIAN

T. 13 S., R. 4 W.,
Sec. 15, lots 1 and 2;
Sec. 17, SE¼NE¼;
Sec. 22, lot 3;
Sec. 29, W½E½ and NW¼.

T. 14 S., R. 5 W.,
Sec. 12, SW¼NE¼ and NW¼SE¼.

T. 11 S., R. 6 W.,
Sec. 2, SE¼SW¼;
Sec. 3, SW¼SW¼;
Sec. 4, S½SE¼;
Sec. 8, E½SE¼;
Sec. 18, NE¼.

T. 13 S., R. 6 W.,
Sec. 3, lot 1 and S½NE¼;
Sec. 4, S½NW¼;
Sec. 10, SE¼SW¼;
Sec. 15, NE¼NW¼ and SW¼SW¼.

T. 14 S., R. 6 W.,
Sec. 6, lots 4, 7, and S½SE¼;
Sec. 18, lot 1, N½NE¼, and NE¼NW¼.

T. 16 S., R. 6 W.,
Sec. 15, SW¼NW¼ and N½SE¼;
Sec. 18, lots 3, 4, and SE¼SW¼;
Sec. 19, lots 1, 2, 4, NE¼, E½NW¼, SE¼SW¼, and SW¼SE¼;
Sec. 30, lots 1, 2, 3, 4, W½NE¼, E½NW¼, and NE¼SW¼;
Sec. 31, lots 1 and 4.

T. 17 S., R. 6 W.,
Sec. 6, lots 3, 4, 5, SE¼NW¼, and NW¼SE¼;
Sec. 18, lot 1;
Sec. 19, lots 1, 2, 3, and E½W½;
Sec. 30, lots 2, 3, and E½NW¼.

T. 18 S., R. 6 W.,
Sec. 8, SE¼;
Sec. 9, W½SW¼ and S½SE¼;
Sec. 10, NW¼;
Sec. 15, NW¼NE¼ and N½NW¼;
Sec. 17, N½NE¼ and E½SE¼.

T. 19 S., R. 6 W.,
Sec. 19, lots 3, 4, and E½SW¼;
Sec. 30, lots 1, 2, 3, 4, and E½W½;
Sec. 31, lots 1, 2, and E½NW¼;
Sec. 33, lots 3 and 4.

T. 12 S., R. 7 W.,
Sec. 7, Lot 7;
Sec. 21, NW¼NE¼ and NE¼NW¼;
Sec. 22, E½NW¼ and NE¼SW¼.

T. 13 S., R. 7 W.,
Sec. 7, lots 2, 3, 4, and E½W½;
Sec. 8, lots 1 to 7, inclusive;
Sec. 17, lots 1, 2, and 3;
Sec. 18, lots 5, 6, and 7.

T. 14 S., R. 7 W.,
Sec. 1, lots 3, 4, SW¼NW¼, and S½SW¼;
Sec. 3, N½SW¼;
Sec. 4, lots 5, 6, and N½SE¼;
Sec. 5, lot 5;
Sec. 12, lots 1, 2, 5, 6, 7, 8, 13, and 14;
Sec. 13, lots 1 and 2.

T. 16 S., R. 7 W.,
Sec. 13, SE¼SE¼;
Sec. 19, lots 3, 4, and SE¼SW¼;
Sec. 24, S½SE¼;
Sec. 25, N½, SW¼, and S½SE¼;
Sec. 29, W½;
Sec. 30, NE¼, and N½SE¼.

T. 17 S., R. 7 W.,
Sec. 1, lots 1, 2, 3, S½NE¼, SE¼SW¼, and SE¼;
Sec. 6, lots 5, 6, and 7;
Sec. 7, lots 1, 2, 3, 4, E½, NE¼NW¼, and E½SW¼;
Sec. 8, W½;
Sec. 11, N½NE¼;
Sec. 12, NE¼NE¼, SW¼NE¼, N½NW¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 13, N½NE¼, SE¼NE¼, NE¼NW¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 14, SE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 17, S½NW¼;
Sec. 23, E½SE¼;
Sec. 24, W½NE¼, NW¼, and NW¼SW¼;
Sec. 25, S½N½ and S½;
Sec. 26, NE¼NE¼, SW¼NW¼, SW¼SW¼, and SE¼SE¼;
Sec. 35, E½NE¼.

T. 18 S., R. 7 W.,
Sec. 1, lot 4 and SW¼NW¼;
Sec. 3, lots 1, 2, S½NE¼, and NE¼SE¼;
Sec. 5, S½S½ and NE¼SE¼;
Sec. 6, lots 6, 7, E½SW¼, and W½SE¼;
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 8, S½NE¼ and NW¼SE¼;
Sec. 9, SE¼NE¼, SW¼NW¼, SE¼SW¼, and SE¼;
Sec. 10, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 11, NW¼NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 12, W½NW¼, SE¼NW¼, and NW¼SW¼;
Sec. 14, NE¼NW¼;
Sec. 15, SW¼NE¼, W½W½, and SE¼NW¼;
Sec. 18, lots 1 and 2;
Sec. 31, lots 1, 2, 3, W½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼.

T. 19 S., R. 7 W.,
Sec. 5, SW¼SW¼;
Sec. 6, S½SE¼;
Sec. 7, SE¼NW¼;
Sec. 8, E½NE¼, NW¼, W½SW¼, and NE¼SE¼;
Sec. 9, NE¼SE¼ and SW¼SE¼;
Sec. 17, N½ and N½SW¼;
Sec. 18, NE¼NW¼;
Sec. 31, lot 1, NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼.

T. 17 S., R. 7½ W.,
Sec. 1, lots 3, 4, and E½SE¼;
Sec. 12, lots 5, 6, 7, 8, and 9;
Sec. 25, lots 2, 3, and 4.

T. 18 S., R. 7½ W.,
Sec. 12, lot 4;
Sec. 13, lot 1 and NE¼NE¼;
Sec. 24, lots 2, 3, and 4;
Sec. 25, SE¼SE¼.

T. 19 S., R. 7½ W.,
Sec. 13, lot 1;
Sec. 25, lots 1, 2, 3, 4, and E½E½.

T. 10 S., R. 8 W.,
Sec. 12, E½NE¼, SW¼NE¼, and SE¼NW¼;
Sec. 19, lots 1, 2, 3, 4, and E½SW¼;
Sec. 21, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 28, NW¼NE¼ and NE¼NW¼;
Sec. 29, NW¼NE¼, NW¼NW¼, and W½SW¼;
Sec. 30, lots 1, 2, NE¼NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 31, lots 2, 3, and 4;
Sec. 35, lot 16.

T. 11 S., R. 8 W.,
Sec. 16, lot 1;
Sec. 20, SE¼NW¼;
Sec. 26, W½NW¼ and SW¼SE¼;
Sec. 35, E½NW¼.

T. 12 S., R. 8 W.,
Sec. 3, lots 2, 3, 4, and SW¼NE¼;
Sec. 9, lots 9 to 21, inclusive;
Sec. 10, NE¼SW¼ and S½S½;
Sec. 11, SW¼ SE¼;
Sec. 12, SW¼SE¼;
Sec. 13, E½SE¼;
Sec. 14, W½NE¼, NW¼, and SE¼SW¼;
Sec. 15, lots 1 to 9, inclusive;
Sec. 17, lot 7;
Sec. 21, SW¼NW¼, E½SE¼, and NW¼SE¼;
Sec. 22, W½SW¼ and E½SE¼;
Sec. 23, NE¼NW¼.

T. 13 S., R. 8 W.,
Sec. 1, lot 4;
Sec. 19, lots 1, 2, 5, 6, 7, 8, 9, 10, 11, and S½NE¼.

T. 14 S., R. 8 W.,
Sec. 7, lots 6, 7, 8, and 9;
Sec. 8, lots 1 and 2;
Sec. 17, lot 1;
Sec. 18, lot 5.

T. 15 S., R. 8 W.,
Sec. 3, lots 1, 2, 3, 4, S½N½, E½SW¼, and SE¼;
Sec. 10, N½;
Sec. 20, W½SW¼,
Sec. 21, lots 1, 2, 3, 6, 7, and 8;
Sec. 22, N½, N½SW¼, and NW¼SE¼;
Sec. 23, W½SE¼ and SE¼SE¼;
Sec. 25, SW¼NW¼;
Sec. 26, NE¼;
Sec. 29, SW¼SW¼ and NW¼SE¼;
Sec. 33, NW¼SW¼;
Sec. 35, S½NE¼, SW¼NW¼, and S½.

T. 17 S., R. 8 W.,
Sec. 1, SE¼SE¼;
Sec. 12, lots 1 to 5, inclusive;
Sec. 13, lots 6 and 7;
Sec. 25, W½ and E½SE¼.

T. 18 S., R. 8 W.,
Sec. 1, NW¼SW¼;
Sec. 3;
Sec. 10, NW¼NE¼, N½NW¼, SE¼NW¼, and SW¼SW¼;
Sec. 12, N½SE¼ and SE¼SE¼;
Sec. 13, NE¼NE¼ and SE¼SE¼;
Sec. 19, lots 1, 2, 3, 4, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 21, SE¼SW¼ and S½SE¼;
Sec. 24, E½E½ and SW¼NE¼ and W½SE¼;
Sec. 25, W½W½;
Sec. 26, E½E½, E½NW¼, and NE¼SW¼;
Sec. 27, NW¼NE¼ and W½NW¼;
Sec. 28, S½NE¼ and SE¼NW¼;
Sec. 30, lot 4;
Sec. 31, lots 1, 2, 3, 4, SE¼NW¼, and E½SW¼;
Sec. 34, NE¼NE¼;
Sec. 35, NE¼NE¼ and NW¼NW¼.

T. 19 S., R. 8 W.,
Sec. 1, lot 1, SE¼NE¼ and NW¼SW¼;
Sec. 5, SW¼NW¼ and NW¼SW¼;
Sec. 6, lots 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, NE¼SE¼, and S½SE¼;
Sec. 7, WW¼SE¼;
Sec. 8, NW¼SW¼;
Sec. 13, S½S½;
Sec, 17, NW¼NE¼, W½W½, and SE¼SW¼;
Sec. 18, lots 1, 2, 3, 4, E½W½, and SE¼;
Sec. 19, lot 1, N½NE¼, and NE¼NW¼;
Sec. 20, NW¼;
Sec. 21, NE¼, E½NW¼, and SW¼NW¼;
Sec. 22 SW¼NE¼ and SW¼NW¼;
Sec. 23, N½SE¼;
Sec. 24, W½NE¼, N½NW¼, and NE¼SE¼;
Sec. 25, SE¼SW¼;
Sec. 26, E½SW¼ and SE¼;
Sec. 35, E½NE¼ and NE¼SE¼.
T. 19 S., R. 9 W.,
Sec. 12, SW¼SE¼;
Sec. 13, NE¼, N½SE¼, and SE¼SE¼.

The areas described aggregate 30,344.87 acres in Sierra County.

3. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the forms of disposal for which the lands are classified. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.12 (d)).

MORRIS R. TREGSTAD,
Acting State Director.

[F.R. Doc. 68-8774; Filed, July 23, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

July 1968 CCC Monthly Sales List

The 11th paragraph of the notice to buyer section of the CCC Monthly Sales List for July 1968 (33 F.R. 9836) is amended to read as follows:

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3 or 4) for July 1968 are 6 percent for U.S. bank obligations and 7 percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include milled and brown rice, oats, wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, cottonseed oil, soybean oil, dairy products, tallow, lard, breeding cattle, and rye. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM-4.

Signed at Washington, D.C. on July 18, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-8822; Filed, July 23, 1968; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00464-33-46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Electron microscope, Model Elmiskop IA. Manufacturer: Siemens, AG, West Germany. Intended use of article: The article will be used in a wide variety of basic research projects, particularly in studies of ocular tissues and viruses. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a resolution of 5 Angstroms. The only known domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which provides a resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally demonstrated that the lower accelerating voltage of the foreign article furnishes better contrast for unstained specimens and that the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, the lower and intermediate accelerating voltages of the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director; Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-8779; Filed, July 23, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SALSBURY LABORATORIES

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Salsbury Laboratories, Charles City, Iowa 50616, proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to use the nonproprietary names "nitromide" for 3,5-dinitrobenzamide and "roxarsone" for 3-nitro-4-hydroxyphenylarsonic acid.

Dated: July 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8814; Filed, July 23, 1968; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17657 etc.]

EXECUTIVE JET AVIATION, INC.

Notice of Postponement of Second Prehearing Conference

By letters of July 18, 1968, counsel for Executive Jet Aviation, Inc., and Capitol International Airways, Inc., have requested that the prehearing conference in the above-entitled proceeding be postponed until August 1, 1968. Accordingly, the prehearing conference is hereby postponed until August 1, 1968, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. The date for the submission of materials to the Examiner and the other parties is hereby postponed from July 25, 1968, to July 29, 1968.

Dated at Washington, D.C., July 19, 1968.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 68-8818; Filed, July 23, 1968; 8:48 a.m.]

CIVIL SERVICE COMMISSION

PSYCHOLOGY SERIES

Positions for Which the Commission Has Prescribed Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that the previously approved minimum educational requirements for positions in the Psychology Series, GS-180, should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

THE PSYCHOLOGY SERIES, GS-180 (ALL POSITIONS GS-5 THROUGH GS-15)

Superseded requirements. The following material supersedes the material previously published in the FEDERAL REGISTER: 27 F.R. 457, January 17, 1962; and 30 F.R. 14749, November 27, 1965.

Minimum educational requirements. Candidates for these positions must meet the minimum education requirements appropriate to the specialization in which the position is classified. These are:

A. *Clinical psychologists.* For positions in grades GS-11 and above, satisfactory completion of all the requirements for the Ph. D. degree, including the dissertation, appropriate to full professional work in clinical psychology, is required.

B. *Counseling psychologists.* For positions in grades GS-9 and above, satisfactory completion of 2 full years of graduate study appropriate to the field of counseling psychology is required.

C. *Psychologists in all other specializations.* For positions in grades GS-5 and above, completion of a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree, including or supplemented by a total of 24 semester hours in psychology is required.

Duties. Psychologists engage in professional research or direct services work relating to the behavior, capacities, traits, interests, and activities of humans and animals. This work may involve (1) developing scientific principles or laws concerning the relationship of behavior to factors of environment, experience or physiology, or developing practical applications of findings, (2) applying psychological principles, theories, methods of data to practical situations or problems, and (3) providing consultative services or training in psychological principles, theories, methods and techniques.

Reasons for requirements. The work of Clinical Psychologists, at full professional performance levels involves research in developing new or refining existing techniques for use in psychodiagnosis and psychotherapy, or work in providing direct psychological diagnosis and treatment to patients with problems of personality, emotional adjustment, or mental illness. This work requires comprehensive knowledge of and experience in the full range of advanced psychological theories, methods, techniques, and practices, of the kind and level represented by completion of extensive and rigorous graduate level course work, research and internship. Because of the nature of the work these knowledges and skills can be best acquired through successful completion of all the requirements for the Ph. D. degree appropriate to Clinical Psychology. This study must have been completed in an accredited educational institution which provides adequate library and internship facilities, and thoroughly trained instructors who can give specific guidance and competently evaluate the progress of the professional education.

The work of Counseling Psychologists at full professional performance levels involves assistance and consultation in matters of appropriate vocational, educational, career, or personal choices and adjustments. This assistance and consultation is provided to persons who are entitled to such services, including persons who are physically and mentally handicapped. This work requires a breadth and depth of knowledge of cultural, and social conditions, and psychological theories and practices. These knowledges and skills are obtainable only through completion of 2 full years of graduate study involving combinations of course work appropriate to the field of counseling psychology. This course of study must have been completed in an accredited educational institution which provides adequate library facilities and thoroughly trained instructors who can give specific guidance and competently evaluate the progress of the professional education.

The work of all Psychologist positions involves applying psychological principles, theories, methods or data regarding the behavior, capacities, traits, interests and activities of human or animal organisms to the solution of research or direct services problems. This work involves a knowledge of a broad range of fundamental theory and experimental data. Because of the nature of the work these knowledges and skills can be best acquired through successful completion of all the requirements for the bachelor's degree with a concentration of course work in psychology. This study must have been completed in an accredited educational institution which provides adequate library and laboratory facilities and thoroughly trained instructors who can give specific guidance and competently evaluate the progress of the professional education.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-8811; Filed, July 23, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10834 etc., FCC 68M-1072]

FLORIDA-GEORGIA TELEVISION CO., INC., ET AL.

Order Continuing Hearing

In re applications of Florida-Georgia Television Co., Inc., Jacksonville, Fla., Docket No. 10834, File No. BPCT-1624; Community First Corp., Jacksonville, Fla., Docket No. 17582, File No. BPCT-3681; The New Horizons Telecasting Co., Inc., Jacksonville, Fla., Docket No. 17583, File No. BPCT-3731; Florida Gateway Television Co., Jacksonville, Fla., Docket No. 17584, File No. BPCT-3732; for construction permit for new television broadcast station. Wometco Enterprises, Inc., Miami, Fla., Docket No. 18185, File No. BRCT-95, for renewal of license of television station WTVJ. Wometco Skyway Broadcasting Co., Asheville, N.C., Docket No. 18186, File No. BRCT-313; for renewal of license of television station WLOS-TV.

It is ordered, Pursuant to the agreements reached in the prehearing conference of July 17, 1968, that hearing herein is continued from October 3, 1968, to October 8, 1968, commencing at 10:00 a.m. at an address to be subsequently specified in the city of Miami, Fla.

Issued: July 17, 1968.

Released: July 18, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8796; Filed, July 23, 1968; 8:47 a.m.]

[Docket Nos. 18245, 18246]

RADIO COLLINSVILLE, INC., AND 1530 RADIO

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Radio Collinsville, Inc., Collinsville, Va., requests: 1530 kc, 1 kw, 250 w (C.H.), Day, Docket No. 18245, File No. BP-17183; Michael C. Turner and Howard A. Weiss, doing business as 1530 Radio, Chapel Hill, N.C., requests: 1530 kc, 5 kw, Day, Docket No. 18246, File No. BP-17270; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority, considered the above-captioned and described applications for construction permits.

2. These applications are mutually exclusive in that operation by the applicants as proposed would result in prohibited overlap of contours as defined in § 73.37 of the Commission's rules.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated

for hearing in a consolidated proceeding on the issues specified below.

4. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

5. *It is further ordered,* That, in the event of a grant of either application, the construction permit shall contain the following condition:

Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

6. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered,* That, the applicants herein shall, pursuant to section 311(2)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by section 1.594 (g) of the rules.

Adopted: July 16, 1968.

Released: July 17, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES O. JUNTILLA,
Acting Chief, Broadcast Bureau.

[F.R. Doc. 68-8797; Filed, July 23, 1968; 8:47 a.m.]

[Docket No. 18215; FCC 68M-1069]

VIRGINIA BROADCASTING CO.

Order Continuing Hearing

In re application of Virginia Broadcasting Co., Virginia, Minn., Docket No. 18215, File No. BPH-6113, for construction permit.

It is ordered, Pursuant to the understanding reached by all parties during the prehearing conference held in this proceeding on July 17, 1968, that exhibits shall be exchanged on September 16, 1968, and that the formal hearing shall be convened on October 1, 1968, in lieu of September 10, 1968, as originally scheduled.

Issued: July 17, 1968.

Released: July 17, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES D. CUNNINGHAM,
Chief Hearing Examiner.

[F.R. Doc. 68-8798; Filed, July 23, 1968; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project 2679]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Application for Preliminary Permit for Unconstructed Project

JULY 16, 1968.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Virginia Electric and Power Co. (correspondence to: E. B. Crutchfield, Senior Vice President, Virginia Electric and Power Co., Post Office Box 1194, Richmond, Va. 23209) for unconstructed Project No. 2679, known as Marble Valley Pumped Storage Project, to be located on Calfpasture River and Little Mill Creek, in Rockbridge, Augusta, and Bath Counties, Va., near Craigsville, Goshen, Staunton, and Lexington, and would affect lands of the United States within George Washington National Forest.

As presently contemplated, the proposed project would consist of: (1) A 7-mile long lower reservoir created by a 160-foot high, 2,500-foot long earth and rockfill dam located on the Calfpasture River about 2 miles south of the Rockbridge County line; (2) a 1.75-mile long upper reservoir created by a 200-foot high, 2,000-foot long rockfill dam located on Little Mill Creek about 1,000 feet south of the Bath County line in George Washington National Forest; (3) a conduit between the two reservoirs; (4) a powerhouse with an installation of 1 million kw; (5) transmission lines connecting the project to the applicant's interconnected system; and (6) appurtenances.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.70). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8780; Filed, July 23, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

LEEDS SHOES, INC.

Order Suspending Trading

JULY 18, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leeds Shoes, Inc., Tampa, Fla., and all other securities of Leeds Shoes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 19, 1968, through July 28, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8815; Filed, July 23, 1968; 8:48 a.m.]

[811-1461]

SCUDDER DUAL-PURPOSE EXCHANGE FUND, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be Investment Company

JULY 18, 1968.

Notice is hereby given that Scudder Dual-Purpose Exchange Fund, Inc. ("Applicant"), 320 Park Avenue, New York, N.Y. 10022, a Delaware corporation registered as a diversified closed-end management investment company under the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Applicant was organized for the purpose of operating as a tax free exchange fund. However, because of an amendment to the Internal Revenue Code, it is now impossible for Applicant to offer its shares to the public in exchange for securities in a nontaxable transaction. Applicant's registration statement under the Securities Act of 1933 has not become effective and has been ordered withdrawn. Applicant has neither offered nor issued any shares of its capital stock and does not propose to make any public offering. It has never conducted the business of an investment company.

Section 8(f) of the Act provides in pertinent part that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the

effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 8, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–8816; Filed, July 23, 1968; 8:48 a.m.]

[812–2332]

MUNICIPAL INVESTMENT TRUST FUND, SERIES K

Notice of Filing of Application for Exemption

JULY 18, 1968.

Notice is hereby given that Municipal Investment Trust Fund, Series K ("Applicant"), 55 Broad Street, New York, N.Y., a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is one of a series of similar funds named "Municipal Investment Trust Fund" and will be governed by a trust agreement under which Goodbody & Co., Bache & Co., and Walston & Co., Inc., will act as Sponsors and the United States Trust Company of New York as Trustee. Pursuant to the trust agreement, the Sponsors will deposit with the Trustee between $4 million and $6 million principal amount of bonds which the Sponsors shall have accumulated for such purpose and simultaneously with such deposit will receive from the Trustee registered certificates for between 4,000 and 6,000 units. Applicant proposes to offer such units for sale to the public and for this purpose a registration statement under the Securities Act of 1933 has been filed which has not yet become effective. The trust agreement does not provide for the issuance of additional units. The proceeds of bonds which may be sold, redeemed or which mature will be distributed to unit holders.

Units will remain outstanding until redeemed or until the termination of the trust agreement, which may be terminated by 100 percent agreement of the unitholders of Applicant, or, in the event that the value of the bonds shall fall below 40 percent of the principal amount of the Fund, upon direction of the Sponsors to the Trustee. In connection with the requested exemption, the Sponsors have agreed to refund the sales load to purchasers of units, if within 90 days after the registration statement under the Securities Act becomes effective, the net worth of Applicant shall be reduced to less than $100,000 or if Applicant is terminated. The Sponsors will instruct the Trustee on the date the bonds are deposited that if Applicant shall at any time have a net worth of less than 40 percent of the principal amount of the Fund, as a result of redemption by the Sponsors of units constituting a part of the unsold units, the Trustee shall terminate the trust in the manner provided in the trust agreement and distribute any bonds or other assets deposited with the Trustee pursuant to the trust agreement as provided therein. The Sponsors have agreed to refund any sales load to any purchaser of units purchased from the Sponsors or any participating dealer on demand and without any deduction in the event of such termination. In addition, it is the Sponsors' intention to maintain a market for the units of Applicant and continually to offer to purchase such units at prices in excess of the redemption price as set forth in the trust agreement, although the Sponsors are not obligated to do so.

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 5, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–8817; Filed, July 23, 1968; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–6 (Rev. 4), Southwestern Area, Dallas, Tex.]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in Southwestern Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, and Amendment 1, 32 F.R. 8113, dated June 6, 1967, the following authority is hereby redelegated to the positions as indicated herein:

I. Area Coordinators.

A. *Development Company Assistance Coordinator*—1. *Eligibility Determinations (for financial assistance only).* To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).* To make initial size

determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Liquidation and Disposal Coordinator.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Supervisory Liquidation and Disposal Officer.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (3) the cancellation of authority to liquidate.

D. *Area Claims Review Committee.* To consist of the liquidation and disposal coordinator, area counsel and the area supervisory appraiser who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

E. *Financial Assistance Coordinator*—1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

F. *Procurement and Management Assistance Coordinator*—1. *Eligibility determinations (for PMA activities only).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

G. *Area Administrative Officer.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; and (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. Regional Directors.

A. *Financial assistance.* 1. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity and disaster loans of any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By _____
(Name)
Regional Director
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent

per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the, Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Development company assistance.*

** 1. To approve or decline section 501 State Development Company loans and section 502 Local Development Company loans up to $350,000 (SBA share).

2. To close and disburse sections 501 and 502 loans.

3. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a partcipating bank under any alleged violation of a participation or guaranty agreement.

C. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, with the exception of the 501 and 502 programs, in accordance with Small Business Administration standards and policies.

E. *Administration.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse the General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).*

1. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

3. To approve business and disaster loans not exceeding $350,000 (SBA share), and economic opportunity loans not exceeding $25,000 (SBA share).

4. To close and disburse approved business, economic opportunity, and disaster loans.

5. To decline business, economic opportunity, and disaster loans of any amount.

6. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

7. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under the delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
(Name)
Title of person signing.

8. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights,

charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

G. *Supervisory Loan Officer and/or Assistance Team Leader.* 1. To approve or decline business and disaster direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By ----------
(Name)
Title of person signing.

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations; releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officer.

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

H. *Loan Officer (financial assistance).* 1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

2. To close and disburse approved business, economic opportunity and disaster loans.

I. *Chief, Development Company Assistance Division.* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

(d) Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

J. *Loan Officer (Development Company Assistance).* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and First Mortgage Plan 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

K. *Regional Counsel (Reserved).*

L. *Chief, Accounting, Clerical and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

**5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

**6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans, except sections 501 and 502 loans.

**7. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Adjustment of interest payment dates.

e. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

f. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

M. *Assistant Chief, Accounting, Clerical and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. Branch Manager (Harlingen Branch Office).

A. *Financial assistance.* 1. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity and disaster loans of any amount.

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under the delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By ----------
(Name)
Branch Manager
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Size determinations (for financial assistance only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

C. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, with the exception of the 501 and 502 programs, in accordance with Small Business Administration standards and policies.

D. *Administration.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Supervisory Loan Officer and/or Assistance Team Leader.* 1. To approve or decline business and disaster direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

5. To execute loan authorizations for Central Office, area and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By----------
(Name)
Title of person signing.

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loans authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

F. *Loan Officer (financial assistance).*

1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

2. To close and disburse approved business, economic opportunity and disaster loans.

G. *Branch Counsel (Reserved).*

H. *Chief, Accounting, Clerical, and Training Division.* 1. To purchase reproduction of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

**4. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity and disaster loans.

**5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans, except sections 501 and 502 loans.

**6. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Adjustment of interest payment dates.

e. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

f. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

I. *Assistant Chief, Accounting, Clerical, and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

IV. The specific authority delegated herein, indicated by double asterisks (**) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by an SBA employee designated as Acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: July 1, 1968.

ROBERT E. WEST,
Area Administrator,
Southwestern Area.

[F.R. Doc. 68-8777; Filed, July 23, 1968; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 F.R. 8809; 31 F.R. 930; 31 F.R. 13405; 32 F.R. 769; 32 F.R. 10706 and 33 F.R. 522) for the 6 months' period ended July 3, 1968.

No change since statement dated January 3, 1968.

RAYMOND R. MANION.

JUNE 28, 1968.

[F.R. Doc. 68-8799; Filed, July 23, 1968; 8:47 a.m.]

FLOYD A. MECHLING

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (22 F.R. 996, 22 F.R. 6584; 23 F.R. 1062; 23 F.R. 6730; 24 F.R. 552; 24 F.R. 6251; 24 F.R. 9699; 25 F.R. 109; 26 F.R. 1693; 26 F.R. 6463; 27 F.R. 684; 27 F.R. 6409; 28 F.R. 1093; 28 F.R. 7060; 29 F.R. 1861; 29 F.R. 9813; 30 F.R. 769; 30 F.R. 8765; 31 F.R. 493; 31 F.R. 9432; 32 F.R. 769; 32 F.R. 10277; and 33 F.R. 523) for the period from January 26, 1968, through July 25, 1968.

No changes in financial interest since last reporting period.

FLOYD MECHLING.

JULY 8, 1968.

[F.R. Doc. 68-8800; Filed, July 23, 1968; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 17, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41394—*Liquid caustic soda from points in West Virginia.* Filed by O. W. South, Jr., agent (No. A6035), for interested rail carriers. Rates on soda (sodium), caustic (sodium hydroxide), in solution, in tank carloads, from Charleston, Dock, Elk, Owens, South Charleston, and South Ruffner, W. Va., to Fairfax, Lanett, Opelika, and Pepperell, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 48 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-611.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8801; Filed, July 23, 1968; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 19, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41395—*Fish meal from Digby and Saulnierville, Nova Scotia, Canada.* Filed by Southwestern Freight Bureau, agent (No. B-9094), for interested rail carriers. Rates on fish meal, in carloads, from Digby and Saulnierville, Nova Scotia, Canada, to points in Arkansas, Louisiana, Missouri (Southern Region), New Mexico, Oklahoma, and Texas.

Grounds for relief—Market competition.

Tariff—Supplement 5 to Canadian Freight Association, agent, tariff ICC 291.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8802; Filed, July 23, 1968; 8:47 a.m.]

[Notice 1201]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 19, 1968.

The following publications are governed by special rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant; and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 31364 (Sub-No. 2) (Republication), filed January 29, 1968, published FEDERAL REGISTER issue of February 8, 1968, and republished this issue. Applicant: MARY HILL, doing business as HILL FURNITURE CARRIERS, 8745 Cottage Street, Philadelphia, Pa. 19136. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. By application filed January 29, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of new furniture and furniture frames, uncrated and in cardboard cartons and wrappings, but not in wooden crates, and such materials as are used in the manufacture of new furniture, between points in Upper Merion Township, Montgomery County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, West Virginia, and the District of Columbia. An order of the Commission, Operating Rights Board, dated June 28, 1968, and served July 11, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) new furniture, from the plantsites and facilities of the Robert John Manufacturing Co. and the Robert John Co., in Upper Merion Township (Montgomery County), Pa., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, West Virginia, and the District of Columbia, and (2) furniture frames and such materials (except commodities in bulk) as are used in the manufacture of new furniture, from points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, West Virginia, and the District of Columbia, to the plantsites and facilities of the Robert John Manufacturing Co. and the Robert John Co. in Upper Merion Township (Montgomery County), Pa., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 114416 (Sub-No. 4) (Republication), filed March 6, 1968, published in FEDERAL REGISTER issue of March 28, 1968, and republished this issue. Applicant: ELKINS TRANSPORT SERVICE, INC., North 620 Freya Street, Spokane, Wash. 99202. By application filed March 6, 1968, applicant seeks a certificate of public convenience and necessity, authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of construction equipment, materials, or supplies, having a prior or subsequent rail shipment between a 3-mile radius of Coulee City, Odair and Coulee Dam, Wash. Applicant also requests authority to interline with other carriers. An order of the Commission, Operating Rights Board, dated June 28, 1968, and served July 10, 1968, finds that the present and future

public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *construction equipment, materials, and supplies,* between Coulee City and Odair, Wash., on the one hand, and, on the other, Coulee Dam, Wash., restricted to the transportation of traffic having a prior or subsequent movement by rail; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115331 (Sub-No. 221) (Republication), filed March 14, 1967, published FEDERAL REGISTER issue March 30, 1967, and republished this issue. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 3141 G Street NW., Washington, D.C. 20005. By application filed March 14, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of chemicals, from Clinton, Iowa, to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. The application was referred to Examiner Charles Murphy for hearing and the recommendation of an appropriate order thereon. Hearing was held May 18, 1967 at Des Moines, Iowa. A report and order of the Commission, division 1, served July 14, 1967, which became effective August 3, 1967, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle in interstate or foreign commerce, over irregular routes, of chemicals, in bulk, from the plantsites and storage facilities of the International Minerals & Chemical Corp., at or near Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin, restricted to traffic originating at the above-named plantsites and storage facilities, and destined to points in the above-named States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124121 (Sub-No. 3) (Republication), filed January 19, 1968, published FEDERAL REGISTER issue of February 1, 1968, and republished this issue. Applicant: DONALD NUSSBERGER AND WILLIS NUSSBERGER, a partnership, doing business as NUSSBERGER BROS., Catawba, Wis. 54154. Applicant's representative: John W. Slaby, Box 22, Phillips, Wis. 54555. By application filed January 19, 1968, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of animal and poultry feed and concentrates, in bag and bulk from points in Minnesota to points on and north of Wisconsin Highway 64, and points in the Upper Peninsula of Michigan, under a continuing contract, or contracts with Midland Cooperatives, Inc., Minneapolis, Minn. An order of the Commission, Operating Rights Board, dated June 28, 1968, and served July 11, 1968, finds that operation by applicants in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of animal and poultry feed from Waseca and St. Paul, Minn., and Superior, Wis., to those points in Wisconsin on and north of Wisconsin Highway 64 (except points in Taylor and Langlade Counties, Wis.), and points in the Upper Peninsula of Michigan, under a continuing contract with Midland Cooperatives, Inc., of Minneapolis, Minn., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128707 (Sub-No. 2) (Republication), filed March 6, 1968, published FEDERAL REGISTER issue March 21, 1968, and republished this issue. Applicant: LLOYD W. PORSBORG, doing business as PORSBORG TRUCK LINE, 1405 Sixth Avenue NW., Great Falls, Mont. 59401. By application filed March 6, 1968, applicant seeks a Permit of Public Convenience and Necessity authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of malt beverages, in containers, between Vancouver, Wash., and Lewiston, Mont., under contract with General Brewing Corp. An order of the Commission, Operating Rights Board, dated June 28, 1968, and served July 11, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *malt beverages,* in containers, between Vancouver, Wash., on the one hand, and, on the other, Lewiston, Mont.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129585 (Sub-No. 2) (Republication), filed February 14, 1968, published in the FEDERAL REGISTER issue of March 21, 1968, and republished this issue. Applicant: JIMMY VESSELL, Route No. 2, Muldrow, Okla. 74948. Applicant's representative: W. S. Agent, 113 North Oak Street, Sallisaw, Okla. 74955. By application filed February 14, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of animal and poultry feeds in sacks or in bulk (except liquid), and sanitation and health commodities as used in the raising of animals and poultry, between Fort Smith, Ark., and points in Sequoyah, Le Flore, Adair, Haskell, Muskogee, Cherokee, and Latimer Counties, Okla. A report and order of the Commission, Operating Rights Board, served July 11, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of dry

animal and poultry feeds, and sanitation and health commodities used in the raising of animals and poultry (1) from Fort Smith, Ark., to points in Sequoyah, Le Flore, Adair, Haskell, Muskogee (except Muskogee and points in its commercial zone), Cherokee, and Latimer Counties, Okla., and (2) between Fort Smith, Ark., on the one hand, and, on the other, Muskogee, Okla., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER 1.240 TO THE EXTENT APPLICABLE

No. MC 73262 (Sub-No. 21), filed July 8, 1968. Applicant: MERCHANTS FREIGHT SYSTEM, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representatives: Roland Rice, 618 Perpetual Building, Washington, D.C. 20004, and Larry D. Knox, Post Office Box 2408, Jacksonville, Fla. 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between Indianapolis, Ind., and Toledo, Ohio, from Indianapolis over U.S. Highway 36 to junction Interstate Highway 69 (also over Interstate Highway 69 to junction U.S. Highway 36), thence over Interstate Highway 69 to junction Indiana Highway 67, thence over Indiana Highway 67 to the Indiana-Ohio State line, thence over Ohio Highway 29 to junction U.S. Highway 33 near St. Mary's, Ohio, thence over U.S. Highway 33 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction U.S. Highway 25, thence over U.S. Highway 25 to Toledo (also over Interstate Highway 75), and return over the same route, serving no intermediate points; (2) between Louisville, Ky., and Toledo, Ohio, from Louisville over U.S. Highway 42 to junction Interstate Highway 75 at or near Florence, Ky. (also over Interstate Highway 71), thence over Interstate Highway 75 to junction U.S. Highway 25, thence over U.S. Highway 25 to Toledo (also over Interstate Highway 75), and return over the same route, serving no intermediate points, and (3) between Clarksville, Ind., and Toledo, Ohio, from Clarksville over Interstate Highway 65 to Louisville, Ky., thence as described in No. (2) above to Toledo, and return over the same route, serving no intermediate points. NOTE: The instant application is a matter directly related to MC-F-10030, published in FEDERAL REGISTER issue on February 7, 1968, wherein Ryder Truck Lines, Inc., a motor common carrier in MC 2900 and sub numbers to transport general commodities and specified commodities seeks authority to control Applicant. The purpose of this application is to convert a portion of applicant's present irregular route authority between points and over routes sought herein to regular routes. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Atlanta, Ga., or Jacksonville, Fla.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10188. Authority sought for purchase by CALZONA TRANSPORTATION, INC., Post Office Box 6430, Phoenix, Ariz. 85005, of a portion of the operating rights of RELIABLE TRANSPORTATION COMPANY, 4817 Sheila Street, Los Angeles, Calif. 90022, and for acquisition by TOM C. COX, also of Phoenix, Ariz. 85005, of control of such rights through the purchase. Applicants' attorney: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Operating rights sought to be transferred: *Refined petroleum products*, in tank trucks, other than those having special heating or insulating equipment, as a *common carrier*, over irregular routes, from points within 30 miles of First and Main Streets, Los Angeles, Calif., to Tucson, Ariz., and points in Maricopa County, Ariz.; *contaminated gasoline*, in bulk, in tank trucks, from Litchfield Park, Ariz., and points within 5 miles thereof, to North Island, Calif., *petroleum lubricating oil*, in bulk, in tank vehicles, from El Segundo, Calif., to Gage, N. Mex., and points within 10 miles of Gage, from El Segundo, Calif., to Santa Rita, N. Mex., and points within 25 miles thereof; *turpentine*, in bulk, in tank vehicles, from El Paso, Tex., to Los Angeles, Calif.; *liquid fertilizing and soil conditioning compounds*, in bulk, in tank vehicles, from points within 5 miles of Phoenix, Ariz., not including Phoenix and Tovrea, Ariz., to points in California which are located south of the northern boundary lines of San Luis Obispo, Kern, and San Bernardino Counties; *tallow and grease*, in bulk, in tank vehicles, from certain specified points in California, to certain specified points in California, from points in California north of a line formed by the southern boundary of San Luis Obispo County, the southern and eastern boundaries of Kern County, and the southern boundary of Inyo County, to the Port of Stockton, Calif., from Los Angeles, Calif., to points in the Los Angeles Harbor commercial zone, as defined by the Commission, from the plantsite of Sacramento Reduction and Tallow Co. located approximately 9 miles east of Sacramento, Calif. (near California Highway 16), to certain specified points in California.

Vegetable, wood, and castor oils, in bulk, in tank vehicles, as defined by the Commission, from points in the Los Angeles Harbor commercial zone, to Los Angeles, Calif.; *edible and inedible tallow*, in bulk, in tank trucks, from Phoenix and Tucson, Ariz., and points within 25 miles of each, to Long Beach and Los Angeles, Calif.; *printer's ink*, in bulk, in tank vehicles, from Los Angeles, Calif., to points in Arizona; *petroleum products*, in bulk, in tank vehicles, except liquefied petroleum gases, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, from Colton and Niland, Calif., to Tucson, Ariz., and points in Maricopa County, Ariz.; *tallow*, in bulk, in tank vehicles, from Phoenix and Tucson, Ariz., to points in Arizona within 25 miles of each, to Nogales, Ariz., and San Diego, Calif., from Pueblo, Colo., to certain specified points in California; *sulphuric acid*, in bulk, in tank vehicles, from El Segundo, Calif., to Henderson, Nev.; *liquid petroleum wax*, in bulk, in tank vehicles, from Richmond, Calif., to Phoenix and Tucson, Ariz.; *nitric acid*, in bulk, in tank vehicles, from the site of the Nitric Acid Plant of Brea Chemical Co., near Brea, Calif., to Henderson, Nev.; *muriatic acid*, in bulk, in tank vehicles, from El Segundo, Calif., to points in Maricopa County, Ariz.; *synthetic resins*, in bulk, in tank vehicles, from Los Angeles and Azusa, Calif., to Phoenix, Ariz.; *liquid animal feed supplement*, in bulk, in tank vehicles, from Anaheim, Calif., to points in Arizona, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington; *anhydrous alcohol*, except that derived from petroleum, in bulk, in tank vehicles, from Anaheim, Calif., to Henderson, Nev.

Contaminated petroleum products, in bulk, in tank vehicles, from Phoenix and Tucson, Ariz., to Niland and Colton, Calif.; *seasame oil*, in bulk, in tank vehicles, from Stout, Calif., to Reno, Nev.; *inedible animal fats* and *blends of inedible animal and vegetable fats* to be used in the manufacture of livestock and poultry feeds, in bulk, in tank vehicles, from points in California (except Long Beach) to points in Arizona; *animal feed additives* composed of blends of both animal fats and vegetable oils, in bulk, in tank vehicles, from certain specified points in California, to points in Nevada and Utah, from Richmond and San Francisco, Calif., to points in Idaho, Oregon, and Washington; and *vinegar*, in bulk, and *animal, vegetable, and fish oils*, in bulk, from points in California, to ports of entry on the United States-Mexico

boundary line at or near Tecate and Calexico, Calif. CALZONA TRANSPORTATION, INC., holds no authority from this Commission. However, TOM C. COX, owning 25 percent of its stock, is sole owner of ARIZONA TANK LINES, INC., Post Office Box 6430, Phoenix, Ariz., which is authorized to operate as a *common carrier* in Arizona, Utah, Colorado, New Mexico, California, and Nevada. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10189. Authority sought for control and merger by M & M TRANSPORTATION COMPANY, 186 Alewife Brook Parkway, Cambridge, Mass. 02138, of the operating rights and property of GOREA'S MOTOR EXPRESS, INC., 2001 Bleeker Street, Utica, N.Y., and for acquisition by SIDNEY MARKS and SIDNEY MALKIN, both also of Cambridge, Mass., of control of such rights and property through the transaction. Applicant's attorney and representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038, and Vincent A. DeIoria, Mayro Building, Utica, N.Y. 13501. Operating rights sought to be controlled and merged: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Albany, N.Y., and Buffalo, N.Y., serving all intermediate points and certain off-route points, between Syracuse, N.Y., to Buffalo, N.Y., between Utica, N.Y., and Malone, N.Y., serving all intermediate points; and under certificates of registration, in Docket Nos. MC–943 Sub-3, MC–943 Sub-4, and MC–943 Sub-6, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. M & M TRANSPORTATION COMPANY, is authorized to operate as a *common carrier* in Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, and Maryland. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–69275 Sub-40 is a matter directly related.

No. MC–F–10190. Authority sought for purchase by JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475, of the operating rights of MEDILL TRANSFER, INC., 852 West Washington Street, East Peoria, Ill. 61611, and for acquisition by HARRY A. HERSHEY, also of Spring City, Pa., of control of such rights through the purchase. Applicants' attorney and representative: Roland Rice, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004, and Harry A. Hershey, Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Operatnig rights sought to be transferred: Under a certificate of registration, in Docket No. MC–99996 Sub-1, covering the transportation of farm products, milk, livestock, coal, and commodities general, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, Virginia, Delaware, Tennessee, New Hampshire, Rhode Island, Michigan, Ohio, West Virginia, Illinois, Indiana, North Carolina, Massachusetts, Vermont, Missouri, Iowa, Maine, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: MC–4963 Sub-29 is a matter directly related.

No. MC–F–10191. Authority sought for control by THE OVERLAND EXPRESS LIMITED, Post Office Box 460, Woodstock, Ontario, Canada, of TWIN COUNTY TRANSPORT, INC., 150 Milens Road, Tonawanda, N.Y. 14150. Applicants' attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Operating rights sought to be controlled: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Buffalo, N.Y., and Alden, N.Y., serving all intermediate points; and under a certificate of registration, in Docket No. MC–121503 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. THE OVERLAND EXPRESS, LIMITED, is authorized to operate as a *common carrier* in Michigan and New York. Application has not been filed for temporary authority under section 210a (b). NOTE: MC–121503 Sub-3 is a matter directly related. If a hearing is deemed necessary, Applicants request that it be held at Buffalo, N.Y.

No. MC–F–10192. Authority sought for purchase by ACCELERATED TRANSPORT–PONY EXPRESS, INC., Fifth and Vine Streets, Sunbury, Pa. 17801, of the operating rights and property of O. L. HADORN MOTOR EXPRESS, INC., 2500 Main Street, Wheeling, W. Va. 26003, and for acquisition by HALL'S MOTOR TRANSIT COMPANY, also of Sunbury, Pa., and, in turn by JOHN N. HALL, 1151 South 21st Street, Harrisburg, Pa., and W. LEROY HALL, 300 West Willow Street, Carlisle, Pa., of control of such rights and property through the purchase. Applicants' attorneys and representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101, Russell R. Sage, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314, and M. E. Brunner, Fifth and Vine Streets, Sunbury, Pa. 17801. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Wheeling, W. Va., and Clarksburg, W. Va., between Wheeling, W. Va., and Fairmont, W. Va., between Wheeling, W. Va., and Morgantown, W. Va., serving all intermediate points, and all off-route points in West Virginia and Ohio within 10 miles of Wheeling, W. Va., between Wheeling, W. Va., and Clarksburg, W. Va., serving all intermediate points (except New Martinsville, W. Va., and those between New Martinsville and Moundsville, W. Va.), between junction U.S. Highway 250 and West Virginia Highway 89, near Cameron, W. Va., and Morgantown, W. Va., serving all intermediate points (except Waynesburg, Pa.). Vendee is authorized to operate as a *common carrier* in Virginia, Maryland, New York, Pennsylvania, New Jersey, West Virginia, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10193. Authority sought for control by WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058, of DESERT EXPRESS, 2301 Nadeau Street, Huntington Park, Calif. 90255, and for acquisition by DONALD E. CANTLAY, as Voting Trustee, also of Los Angeles, Calif., of control of DESERT EXPRESS, through the acquisition by WESTERN GILLETTE, INC. Applicants' attorneys: Theodore W. Russell, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017, and Arthur H. Glanz, 639 South Spring Street, Los Angeles, Calif. 90014. Operating rights sought to be controlled: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Los Angeles, Calif., and Atolia, Calif., serving certain intermediate points; *mining machinery and parts thereof and materials and supplies* used in mining operations, over regular and irregular routes, from Los Angeles Harbor and Long Beach Harbor, Calif., to Atolia, Calif., serving all intermediate points between Mojave, Calif., and Atolia, not including Mojave, for delivery only; and the off-route points within 10 miles of U.S. Highway 6 between Rosamond and Mojave, for delivery only; *feed,* from Lancaster, Calif., to Los Angeles Harbor and Long Beach Harbor, Calif., serving no intermediate points; and under a certificate of registration, in Docket No. MC–110147 Sub-5, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of California. WESTERN GILLETTE, INC., is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and Iowa. Application has been filed for temporary authority under section 210a(b). NOTE: MC–110147 Sub-6 is a matter directly related.

No. MC–F–10194. Authority sought for control by MERCHANTS FAST MOTOR LINES, INC., East U.S. Highway 80, Post Office Drawer 270, Abilene, Tex. 79604, of (1) BRAZOS TRANSPORT CO., East U.S. Highway 80, Post Office Drawer 2679, Abilene, Tex. 79604, and (2) GYPSUM TRANSPORT, INC., East U.S. Highway 80, Post Office Drawer 2679, Abilene, Tex. 79604. Applicants' attorney: Jerry Prestridge, c/o Clark, Thomas, Harris, Denius and Winters, Capitol National Bank Building, Post Office Box 1148, Austin, Tex. 78767. Operating rights sought to be controlled: *Building materials* (except lumber), *gypsum, and supplies and materials* used in the manufacture thereof,

as a *common carrier,* over irregular routes, between the plantsites of the National Gypsum Co. near Rotan, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, New Mexico, and Oklahoma; *gypsum products, asbestos-cement products, building materials* (except lumber), *roofing materials, and insulating materials, and materials and supplies* used in the installation of such commodities (except liquid commodities, in bulk, in tank vehicles), from Medicine Lodge, Kans., to points in Colorado and Oklahoma; *gypsum board paper,* from Pryor, Okla., to Medicine Lodge, Kans.; *gypsum products, gypsum, asbestos-cement products, building materials* (except lumber), *roofing-materials, and insulating materials, and materials and supplies* used in the installation of such commodities (except liquid commodities, in bulk, in tank vehicles), from Medicine Lodge, Kans., to points in Missouri; and *building, roofing, and insulating materials, and gypsum and gypsum products,* from the plantsite of the National Gypsum Co. located at or near Medicine Lodge, Kans., to points in Arkansas; and (2) *Building materials* (except lumber), *gypsum and gypsum products, and materials and supplies* used in the installation or distribution thereof, as a *common carrier,* over irregular routes, from the plantsites of United States Gypsum Co. at or near Sweetwater, Tex., to points in Arkansas, Louisiana, and New Mexico, with restrictions, from the site of the plants of the United States Gypsum Co. at or near Sweetwater, Tex., to points in Colorado, Kansas, and Oklahoma, with restriction. MERCHANTS FAST MOTOR LINES, INC., is authorized to operate as a *common carrier* in Texas. Application has not been filed for temporary authority under section 210a (b). NOTE: See also No. MC–F–10195 (MERCHANTS OPERATING CO.—Purchase—MERCHANTS FAST MOTOR LINES, INC.), published this same issue. F.D. No. 25197 is simultaneously filed.

No. MC–F–10195. Authority sought for purchase by MERCHANTS OPERATING CO., East U.S. Highway 80, Post Office Drawer 270, Abilene, Tex. 79604, of the operating rights and property of MERCHANTS FAST MOTOR LINES, INC., East U.S. Highway 80, Post Office Drawer 270), Abilene, Tex. 79604. Applicants' attorney: Jerry Prestridge, c/o Clark, Thomas, Harris, Denius and Winters, Capital National Bank Building, Post Office Box 1148, Austin, Tex. 78767. Operating rights sought to be transferred: *General commodities,* with certain specified exceptions, and numerous other specified commodities, as a *common carrier,* over regular and irregular routes, from, to, and between specified points in the State of Texas, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–2228 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. MERCHANTS OPERATING CO. holds no authority from this Commission. However, it is affiliated with MERCHANTS FAST MOTOR LINES, INC., transferor, who controls OIL TRANSPORT COMPANY, East Highway 80, Post Office Drawer 2679, Abilene, Tex. 76904, which is authorized to operate as a *common carrier* in Texas, Oklahoma, Kansas, Nebraska, New Mexico, and Arizona. Application has not been filed for temporary authority under section 210a(b). NOTE: See also No. MC–F–10194 (MERCHANTS FAST MOTOR LINES, INC.—Control—BRAZOS TRANSPORT CO., and GYPSUM TRANSPORT, INC.) published this same issue. F.D. No. 25197 is simultaneously filed.

No. MC–F–10196. Authority sought for purchase by OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Richmond, Va. 23209, of a portion of the operating rights and certain property of ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue, Birmingham, Ala. 35202. Applicants' attorneys: Eugene T. Liipfert, 1035 Universal Building North, Washington, D.C. 20009, and Harold G. Hernly, 711 14th Street NW., Washington, D.C. Operating rights sought to be transferred: *General commodities,* except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier,* over irregular routes, between points in Alabama within 65 miles of Birmingham, Ala., including Birmingham, on the one hand, and, on the other, points in that part of Georgia on and west of U.S. Highway 129 and bounded on the south by the northern county lines of Heard, Coweta, Fayette, Clayton, Henry, Butts, Jasper, and Putnam Counties, Ga., Restriction: The authority is restricted against the transportation of cement and lime from origin points of Leeds, Roberta, Ragland, and North Birmingham, Ala. Vendee is authorized to operate as a *common carrier* in North Carolina, Tennessee, South Carolina, Virginia, Georgia, West Virginia, Illinois, and Alabama. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10197. Authority sought for purchase by HIGHWAY EXPRESS, INC. (Miss. Corp.), 422 Madison Street, Wiggins, Miss. 39577, of a portion of the operating rights of C & D TRANSPORTATION CO., INC., 962 Bay Bridge Road, Prichard, Ala. 36600, and for acquisition by MICHAEL E. WEST, 2003 Fuller Street, Hattiesburg, Miss., of control of such rights through the purchase. Applicants' attorney: Douglas C. Wynn, Post Office Box 1295, 618 Washington Avenue, Greenville, Miss. 38701. Operating rights sought to be transferred: *General commodities,* except those of unusual value, classes A and B explosives, lumber, gasoline, coal, sand, gravel, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier,* over regular routes, between Hattiesburg, Miss., and New Orleans, La., serving the intermediate points of Wiggins and Gulfport, Miss. HIGHWAY EXPRESS, INC. (Mississippi Corporation), holds no authority from this Commission. However, its controlling stockholder is affiliated with (1) WEST BROTHERS, INC., 706 East Pine Street, Post Office Box 1569, Hattiesburg, Miss., which is authorized to operate as a *common carrier* in Alabama, Mississippi, Louisiana, Arkansas, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Kentucky; (2) PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Post Office Box 1326, Hattiesburg, Miss., which is authorized to operate as a *common carrier* in North Dakota, South Dakota, Nebraska, New Mexico, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Florida, Georgia, Tennessee, Kentucky, Illinois, Indiana, Ohio, Wisconsin, Michigan, North Carolina, South Carolina, Virginia, West Virginia, Maryland, Pennsylvania, New York, New Jersey, Delaware, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia; and (3) AZALEA MOTOR LINES, INC., 835 Dumaine Road, Mobile, Ala., which is authorized to operate as a *common carrier* in Alabama. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10198. Authority sought for purchase by AIME BELLAVANCE & SONS, INC., 167 Boyton Street, Barre, Vt., of the operating rights and property of L. & F. GRANITE HAULING CO., INC., 42 Maywood Drive (Route 5), Hamburg, N.Y., and for acquisition by JOSEPH BELLAVANCE, 101 Smith Street, Barre, Vt., of control of such rights and property through the purchase. Applicants' attorney: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Operating rights sought to be transferred: *Granite, granite monuments, marble, and marble monuments,* as a *common carrier,* over irregular routes, from Buffalo and Hamburg, N.Y., to points in that part of New York on and west of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to junction U.S. Highway 11, at Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line, from points in Rutland and Washington Counties, Vt., to points in that part of New York on and west of a line begining at Oswego, N.Y., and extending along New York Highway 57 to junction U.S. Highway 11 at Syracuse, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line; and *abrasives,* from Niagara Falls, Tonawanda, and the town of Hamburg, N.Y., to points in Caledonia, Orange, Rutland, and Washington Counties, Vt. Vendee is authorized to operate as a *common carrier* in Vermont, Massachusetts, New Hampshire, Connecticut, New

Jersey, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8803; Filed, July 23, 1968; 8:47 a.m.]

[Notice 508]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 19, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 59680 (Deviation No. 71), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., 75222, filed July 8, 1968. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over deviation routes as follows: (1) From Exit 16, Ohio Turnpike (near Woodworth, Ohio) over Ohio Highway 7 to junction U.S. Highway 224, thence over U.S. Highway 224 to New Castle, Pa., thence over U.S. Highway 422 to Indiana, Pa., thence over U.S. Highway 119 to Homer City, Pa., thence over Pennsylvania Highway 56 to junction U.S. Highway 22, thence over U.S. Highway 22 (or Interstate Highway 78 where completed) to Newark, N.J., (2) from Exit 16, Ohio Turnpike (near Woodworth, Ohio) over Ohio Highway 7 to junction U.S. Highway 224, thence over U.S. Highway 224 to New Castle, Pa., thence over U.S. Highway 422 to Indiana, Pa., thence over U.S. Highway 119 to Homer City, Pa., thence over Pennsylvania Highway 56 to junction U.S. Highway 22, thence over U.S. Highway 22 (or Interstate Highway 78 where completed) to Phillipsburg, N.J., thence over New Jersey Highway 24 to Hackettstown, N.J., thence over U.S. Highway 46 to junction New Jersey Highway 17 near Teterboro, N.J., thence over New Jersey Highway 17 to junction Interstate Highway 80 (Passaic Expressway), thence over Interstate Highway 80 to junction U.S. Highway 1 near the George Washington Bridge, and (3) from Exit 16, Ohio Turnpike (near Woodworth, Ohio) over Ohio Highway 7 to junction U.S. Highway 224, thence over U.S. Highway 224 to New Castle, Pa., thence over U.S. Highway 422 to Indiana, Pa.

Thence over U.S. Highway 119 to Homer City, Pa., thence over Pennsylvania Highway 56 to junction U.S. Highway 22, thence over U.S. Highway 22 (or Interstate Highway 78 where completed) to Phillipsburg, N.J., thence over U.S. Highway 22 (or Interstate Highway 78 where completed) to Annandale, N.J., thence over Interstate Highway 78 to junction Interstate Highway 287 (or U.S. Highway 202) near Pluckemin, N.J., thence over Interstate Highway 287 (or U.S. Highway 202) to junction U.S. Highway 46 (Interstate Highway 80), near Mountain Lakes, N.J., thence over U.S. Highway 46 to junction New Jersey Highway 17 near Teterboro, N.J., thence over New Jersey Highway 17 to junction Interstate Highway 80 (Passaic Expressway) thence over Interstate Highway 80 to junction U.S. Highway 1 near the George Washington Bridge, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Cleveland, Ohio, over U.S. Highway 21 to the Ohio Turnpike, thence over the Ohio Turnpike, to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the New Jersey Turnpike, thence over the New Jersey Turnpike to Newark, N.J., and (2) from New Haven, Conn., over U.S. Highway 1 to junction unnumbered highway, thence over unnumbered highway via Bridgeport, Conn., to junction U.S. Highway 1, thence over U.S. Highway 1 to Newark, N.J., and return over the same routes.

No. MC 98404 (Sub-No. 3) (Deviation No. 1), JAMES G. COPE, doing business as COPE TRUCKING COMPANY, 35 Garfield Street, Asheville, N.C. 28803 (FREDRICKSON MOTOR EXPRESS CORPORATION OPERATOR, Post Office Box 21098, Charlotte, N.C. 28206), filed July 5, 1968. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: Between Asheville, N.C. and Knoxville, Tenn., over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Asheville, N.C., over U.S. Highway 25 via Marshall and Hot Springs, N.C., to the North Carolina-Tennessee State line and (2) from the North Carolina-Tennessee State line west of Hot Springs, N.C., over U.S. Highway 70 to Knoxville, Tenn., and return over the same routes.

No. MC 1515 (Deviation No. 462) (Cancels Deviation No. 123), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed July 8, 1968. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 70 and U.S. Highway 40 near Woodbury, Ill., over Interstate Highway 70 to junction U.S. Highway 40 approximately 9 miles west of Greenville, Ill., (2) from Effingham, Ill., over U.S. Highway 45 to junction Interstate Highway 70, (3) from Effingham, Ill., over U.S. Highway 40 to junction access road west of Effingham, thence over access road to junction Interstate Highway 70, (4) from Vandalia, Ill., east over U.S. Highway 40 to junction Interstate Highway 70, (5) from Vandalia, Ill., over U.S. Highway 51 to junction Interstate Highway 70, and (6) from junction Illinois Highway 127 and Interstate Highway 70 over Illinois Highway 127 to junction U.S. Highway 40, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Chicago, Ill., over Halstead Avenue to junction South Park Avenue, thence over South Park Avenue to junction U.S. Highway 54, thence over U.S. Highway 54 via junction U.S. Highway 30 to Kankakee, Ill., thence over U.S. Highway 45 to Effingham, Ill., thence over U.S. Highway 40 to Vandalia, Ill., thence over Illinois Highway 140 to junction unnumbered highway, thence over unnumbered highway via Greenville, Ill., to junction U.S. Highway 40, thence over U.S. Highway 40 to junction unnumbered highway, thence over unnumbered highway to Highland, Ill., (2) from junction old U.S. Highway 40 and relocated U.S. Highway 40 near Mulberry Grove, Ill., over relocated U.S. Highway 40 to junction old U.S. Highway 40 near Greenville, Ill., (3) from junction old U.S. Highway 40 and relocated U.S. Highway 40 near Highland, Ill., over relocated U.S. Highway 40 to junction old U.S. Highway 40 near Troy, Ill., and (4) from Dayton, Ohio, over U.S. Highway 35 to Richmond, Ind., thence over U.S. Highway 40 via Stilesville, Ind., to Manhattan, Ind. (also from junction U.S. Highway 40 and a point approximately 2 miles west of Stilesville over unnumbered highway via Greencastle, Ind., to junction U.S. Highway 40 at a point approximately 1 mile east of Manhattan), thence over U.S. Highway 40 to junction Alternate U.S. Highway 40 (formerly U.S. Highway 40), thence over Alternate U.S. Highway 40 to Vandalia, Ill., thence over Illinois Highway 140 to junction U.S. Highway 40 at or near Mulberry Grove, Ill., and return over the same routes.

No. MC 1515 (Deviation No. 463) (Cancels Deviation No. 273), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106; Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105, filed July 12, 1968. Carrier proposes to operate as a *common*

carrier, by motor vehicle, of *passengers and their baggage and express and newspapers,* in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and U.S. Highway 101 (Crannell Junction), over U.S. Highway 101 to junction unnumbered highway (Mad River Bridge); (2) from junction unnumbered highway and U.S. Highway 101 (Humboldt Hill Road Junction), over U.S. Highway 101 to junction unnumbered highway (Salmon Avenue Junction); (3) from junction unnumbered highway and U.S. Highway 101 (North Fields Landing Junction), over U.S. Highway 101 to junction unnumbered highway (South Fields Landing Junction); (4) from junction unnumbered highway and U.S. Highway 101 (North Whites Slough Junction), over U.S. Highway 101 to junction unnumbered highway (South Whites Slough Junction); (5) from junction unnumbered highway and U.S. Highway 101 (North Fortuna Interchange), over U.S. Highway 101 to junction unnumbered highway (Rohnerville Overcrossing); (6) from junction California Highway 254 and U.S. Highway 101 (Pepperwood Junction) over U.S. Highway 101 to junction California Highway 254 (Tuttle Creek Junction); (7) from junction California Highway 254 and U.S. Highway 101 (Dean Creek Junction) over U.S. Highway 101 to junction California Highway 254 (South Garberville Junction).

(8) From junction unnumbered highway and U.S. Highway 101 (Forsythe Creek Junction), over U.S. Highway 101, to junction unnumbered highway (South Ukiah Overcrossing); (9) from junction unnumbered highway and U.S. Highway 101 (North Hiatt Road Junction), over U.S. Highway 101 to junction unnumbered highway (Rich Ranch Road Junction); and (10) from junction unnumbered highway and U.S. Highway 101 (North Healdsburg Junction), over U.S. Highway 101 to junction Business Route U.S. Highway 101 (North Santa Rosa Junction); and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the point where U.S. Highway 101 intersects the Oregon-California State line, over U.S. Highway 101 to junction unnumbered highway (Crannell Junction), thence over unnumbered highway to junction U.S. Highway 101 (Mad River Bridge), thence over U.S. Highway 101 to junction unnumbered highway (Humboldt Hill Road Junction), thence over unnumbered highway to junction U.S. Highway 101 (Salmon Avenue Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Fields Landing Junction), thence over unnumbered highway via Fields Landing to junction U.S. Highway 101 (South Fields Landing Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Whites Slough Junction), thence over unnumbered highway to junction U.S. Highway 101 (South Whites Slough Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Fortuna Interchange), thence over unnumbered highway via Fortuna to junction U.S. Highway 101 (Rohnerville Overcrossing), thence over U.S. Highway 101 to junction California Highway 254 (Pepperwood Junction).

Thence over California Highway 254 to junction U.S. Highway 101 (Tuttle Creek Junction), thence over U.S. Highway 101 to junction California Highway 254 (Dean Creek Junction), thence over California Highway 254 to junction U.S. Highway 101 (South Garberville Junction), thence over U.S. Highway 101 to junction unnumbered highway (Forsythe Creek Junction), thence over unnumbered highway via Calpella and Uklah to junction U.S. Highway 101 (South Ikiah Overcrossing), thence over U.S. Highway 101 to junction unnumbered highway (North Hiatt Road Junction), thence over unnumbered highway via Asti to junction U.S. Highway 101 (Rich Ranch Road Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Healdsburg Junction), thence over unnumbered highway via Healdsburg to junction Business Route U.S. Highway 101 (North Santa Rosa Junction), thence over Business Route U.S. Highway 101 through Santa Rosa to junction U.S. Highway 101 (South Santa Rosa Junction), thence over U.S. Highway 101 to junction unnumbered highway north of Cotati (North Cotati Junction), thence over unnumbered highway through Cotati and Petaluma to junction U.S. Highway 101 (Petaluma Junction), thence over U.S. Highway 101 to San Francisco, Calif., and return over the same route. (Connects with Oregon Route 8.)

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8804; Filed, July 23, 1968; 8:47 a.m.]

[Notice 653]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

July 19, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 182 TA), filed July 17, 1968. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Post Office Box 4048, Pocatello, Idaho 83201. Applicant's representative: Maurine H. Greene, Post Office Box 1554, Boise, Idaho 83701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dore bullion* (impure silver bullion) from Tacoma, Wash., to Minneapolis-St. Paul, Minn., Denver, Colo., and Selby, Calif. (service at Minneapolis-St. Paul and Denver restricted to interline service only), for 180 days. NOTE: Applicant does not intend to tack with its existing authority. Supporting shipper: American Smelting & Refining Co., 120 Broadway, New York, N.Y. 10005. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 66562 (Sub-No. 2316 TA) (Correction), filed June 26, 1968, published FEDERAL REGISTER issue of July 10, 1968, and republished as corrected this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* moving in express service; (1) between Louisville, Miss., and Bay Springs, Miss., over Interstate Highway 15 serving the intermediate and/or off-route points of Philadelphia, Union, Decatur, and Newton, Miss.; (2) between Bay Springs and Meridian, Miss., serving no intermediate and/or off-route points, from Bay Springs over Mississippi Highway 18 to the intersection of Mississippi Highway 513, thence over Mississippi Highway 513, to the intersection of U.S. Highway 11 and/or Interstate Highway 59 (where and as when completed), thence over U.S. Highway 11/Interstate Highway 59 to Meridian, and return over the same route; (3) between Meridian and Philadelphia, Miss., over Mississippi Highway 19 serving no intermediate and/or off-route points; (4) between Newton and Meridian, Miss., serving no intermediate and/or off-route points, as an alternate route for operating convenience only, from Newton over Interstate Highay 20 where and as when completed to Meridian, and return over the same route, for 150 days. Restriction: (1) The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. (2) Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested: Applicant requests that the authority for the proposed operations, if

granted, be construed as an extension, to be joined, tacked; and combined with R E A's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority. The purpose of this republication is to add certain intermediate and off-route points proposed to be served in (1) above, and to add a line inadvertently omitted from the restriction in (1) above. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Commission's offices in Washington, D.C., or at the field office named below. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 119531 (Sub-No. 88 TA), filed July 17, 1968. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Raymond C. Minks, 5391 Wooster Road, Cincinnati, Ohio 45226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers* and *covers*, from St. Louis, Mo., to Indianapolis, Ind. (Trailers to be equipped with roller conveyors), for 180 days. Supporting shipper: Crown Cork & Seal Co., Inc., 9300 Ashton Road, Philadelphia, Pa. 19136. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 120442 (Sub-No. 2 TA) (Correction), filed July 1, 1968, published FEDERAL REGISTER issue of July 10, 1968, and republished as corrected this issue. Applicant: NICK TOTONI & SONS, INC., 1373 West Hubbard Street, Chicago, Ill. 60622. Applicant's representative: Benjamin J. Schultz, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from points within Illinois, on and north of U.S. Highway 24 from the East Bank of the Mississippi River to junction with U.S. Highway 136, and thence on and north of U.S. Highway 136 to the Illinois-Indiana State Line, for 180 days. NOTE: Applicant intends to tack the authority applied for to other authority held by it in MC–120442 and also to interline with other carriers. Supporting shipper: Dole Valve Co., 6201, Oakton Street, Morton Grove, Ill. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 123327 (Sub-No. 7 TA) (Correction), filed July 1, 1968, published FEDERAL REGISTER issue of July 10, 1968, and republished as corrected this issue. Applicant: RALPH M. BARTHOLOMEW, doing business as IRELAND TRANSFER & STORAGE CO., 102 Front Street, Ketchikan, Alaska 99901. Applisant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the Seattle, Wash., commercial zone, on the one hand, and, on the other, points in Alaska located east of an imaginary line constituting a southward extension of the international boundary line between the United States and Canada over public highways between Seattle, Wash., commercial zone and the Puget Sound Terminal of Alaska Marine Highway System, and between said terminal and points in Alaska over said Alaska Marine Highway, for 180 days. NOTE: Applicant proposes to interline traffic with other carriers at Seattle, Wash., and at Haines and Tok Junction, Alaska, and tack the authority here applied for with its sub 5 authority in order to reach Tok Junction. The purpose of this republication is to complete commodity description which was inadvertently omitted. Supporting shippers: National Bank of Alaska Ketchikan Branch, Box 1538, Ketchikan, Alaska; Von Der Ahe Van Lines, Inc., 600 Rudder Avenue, Fenton, Mo. 63206; Ketchikan Pulp Co., Ketchikan, Alaska 99901. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 128007 (Sub-No. 18 TA), filed July 17, 1968. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured feeds*, from the plantsite of Cargill, Inc., Nutrena Division, at Kansas City, Kans., to points in Oklahoma, for 150 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 129998 (Sub-No. 1 TA), filed July 17, 1968. Applicant: Harley R. Willis and John H. Willis, doing business as JOHNNY'S AUTO TRANSPORTERS, West 1130 Sprague Avenue, Post Office Box 1248, Spokane, Wash. 99201. Applicant's representative: Joseph L. Thomas, Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, in driveaway and towaway service, for the account of General Motors Acceptance Corp., between points in the United States and points in Oregon, Washington, Idaho, and Montana, for 150 days. Supporting shipper: General Motors Acceptance Corp., West 426 Boone Avenue, Spokane, Wash. 99201. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68–8805; Filed, July 23, 1968; 8:47 a.m.]

[Notice 176]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 19, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70409. By order of July 15, 1968, the Transfer Board approved the transfer to Bee Freight System, Inc., 6044 South Steel Street, Littleton, Colo. 80120, of certificates Nos. MC–126749 (Sub-No. 1) and MC–126749 (Sub-No. 3), issued September 7, 1965 and November 8, 1965, to K. P. Moving & Storage, Inc., 1111 South Pearl, Denver, Colo. 80209, authorizing the transportation of: Supplies used by beekeepers and live bees in hives, moving with beekeepers' supplies, between points in Texas, Oklahoma, and New Mexico, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, and Mississippi; and between points in New Mexico, on the one hand, and, on the other, points in Colorado.

No. MC–FC–70583. By order of July 15, 1968, the Transfer Board approved the transfer to Bill Gerlock Towing Co., a corporation, Portland, Oreg., of the operating rights in certificate No. MC–94790 issued December 16, 1959, William H. Gerlock, doing business as Bill Gerlock's Towing Service, Portland, Oreg., authorizing the transportation, over irregular routes, of wrecked, damaged, or disabled motor vehicles, other than passenger cars, between points in Oregon, on the one hand, and, on the other, points in Idaho; and used and disabled motor vehicles and used machinery, without motive power, in driveaway or towaway service, between points in Oregon and Washington. Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201, attorney for applicants.

No. MC–FC–70600. By order of July 15, 1968, the Transfer Board approved the transfer to John T. Peschke, Waubay, S. Dak., of certificate No. MC–117563, issued December 8, 1959, to LaVerne Gregerson,

Waubay, S. Dak., authorizing the transportation of: Feed, in bulk, from Minneapolis, Minn., to Waubay, S. Dak., and points within 30 miles thereof. C. W. Hyde, 321 Citizens Building, Aberdeen, S. Dak. 57401, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-8806; Filed, July 23, 1968; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 19, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 16095, filed July 9, 1968. Applicant: HALL MOTOR EXPRESS, INC., 1201 North 20th Avenue, Birmingham, Ala. Applicant's representative: John P. Carlton, 327 Frank Nelson Building, Birmingham, Ala. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between the plantsite and storage facility of Alabama Kraft Co., division of Georgia Kraft Co., at or near Mahrt, Ala., on the one hand, and, on the other, all points and places within a radius of 125 miles of Birmingham, including Birmingham. Both interstate and intrastate authority is sought.

HEARING: Contact the Alabama Commission for this information. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-8807; Filed, July 23, 1968; 8:47 a.m.]

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